

*This Statutory Instrument has been amended by S.I. 1996/2019 and is being issued free of charge to all known recipients of S.I. 1996/972.*

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## STATUTORY INSTRUMENTS

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**1996 No. 972**

# [<sup>F1</sup>ENVIRONMENTAL PROTECTION

## The Special Waste Regulations 1996

<i>Made</i>	- - - -	<i>28th March 1996</i>
<i>Laid before Parliament</i>		<i>1st April 1996</i>
<i>Coming into force</i>	- -	<i>1st September 1996</i>

The Secretary of State for the Environment, as respects England, the Secretary of State for Wales, as respects Wales, and the Secretary of State for Scotland, as respects Scotland, being Ministers 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 regulation and control of the transit, import and export of waste (including recyclable materials), the prevention, reduction and elimination of pollution caused by waste and the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, in exercise of the powers conferred upon them by section 2(2) of that Act, sections 3(1), 17, 30(4) and (5) and 104(1) of the Control of Pollution Act 1974<sup>M3</sup>, sections 33(3), 34(5), 62(1) to (3), 74(6), 75(8) and 78 of the Environmental Protection Act 1990<sup>M4</sup> (having, in particular, had regard in exercising their powers under section 33(3) of that Act to the matters specified in section 33(4) of that Act) and of all other powers enabling them in that behalf, hereby make the following Regulations:

### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))

### Modifications etc. (not altering text)

- C1** Regulations: transfer of functions (1.7.1999 immediately after the coming into force of [Scotland Act 1998](#) (c. 46), [s. 53](#)) by [The National Assembly for Wales \(Transfer of Functions\) Order 1999](#) (S.I. 1999/672), arts. 1(2), 2, [Sch. 1](#)

### Marginal Citations

- M1** [S.I. 1993/2661](#), 1992/2870 and 1988/785.  
**M2** [1972 c.68](#).

- M3** 1974 c.40; section 3(1) is repealed, and section 17 is prospectively repealed, by Part II of Schedule 16 to the [Environmental Protection Act 1990 \(c.43\)](#); the repeal of section 3(1) came into force on 1st May 1994 (save for certain purposes, in respect of which other dates are appointed) by virtue of [S.I. 1994/1096](#) (as amended by [S.I. 1994/2487](#) and [1994/3234](#)).
- M4** 1990 c.43; section 62 is amended by paragraph 80 of Schedule 22 to the [Environment Act 1995 \(c.25\)](#) and section 78 is amended by paragraph 7 of Schedule 4 to the [Radioactive Substances Act 1993 \(c.12\)](#).

## Citation, commencement, extent, application and interpretation **E+W**

### 1. ....

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F1** [Regulations](#) revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), [reg. 76](#) (with [reg. 75](#)) and [Regulations](#) revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))

## [<sup>F1</sup> Citation, commencement, extent, application and interpretation **S**

1.—(1) These Regulations may be cited as the Special Waste Regulations 1996 and shall come into force on 1st September 1996.

(2) These Regulations do not extend to Northern Ireland.

(3) These Regulations do not apply in relation to any special waste in respect of which, in accordance with regulation 26 below, the Control of Pollution (Special Waste) Regulations 1980 <sup>F54</sup> continue to have effect.

(4) In these Regulations, unless the context otherwise requires—

“the 1990 Act” means the Environmental Protection Act 1990;

[<sup>F55</sup>“the 2011 Regulations” means the Waste Management Licensing (Scotland) Regulations 2011,]

<sup>F56</sup> ...

“Agency” means

(a) in relation to places, premises and sites in England and Wales, the Environment Agency established by section 1 of the Environment Act 1995 <sup>F57</sup>; and

(b) in relation to places, premises and sites in Scotland, the Scottish Environment Protection Agency established by section 20 of that Act;

<sup>F58F59</sup>“the approved classification and labelling guide” means the document entitled “Approved guide to the classification and labelling of substances and preparations dangerous for supply (Second edition)” approved by the Health and Safety Commission on 18th October 1994 for the purposes of the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994;

<sup>F60</sup>“the approved supply list” means the document entitled “Approved Supply List ([<sup>F61</sup>3rd Edition])—Information approved for the classification and labelling of substances and preparations dangerous for supply” approved by the Health and Safety Commission

on [<sup>F62</sup>24th January 1996] for the purposes of the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994;

“carrier”, in relation to a consignment of special waste, means the person who collects that waste from the premises at which it is being held and transports it to another place;

“carrier’s round” in relation to consignments of special waste, means a journey made by a carrier during which he collects more than one consignment of special waste and transports all consignments collected to the same consignee who is specified in the consignment note;

“carrier’s schedule” means a schedule prepared in accordance with regulation 8;

“consignee”, in relation to a consignment of special waste, means the person to whom that waste is to be transported;

“consignment note”, in relation to a consignment of special waste, means a note in a form corresponding to the form set out in Schedule 1 to these Regulations, or in a form substantially to the like effect, and giving at any time the details required by these Regulations to be shown in respect of that consignment (including, where the consignment is one in a succession of consignments, any details required to be shown in respect of other consignments in the succession);

“consignor”, in relation to a consignment of special waste, means the person who causes that waste to be removed from the premises at which it is being held<sup>[F63]</sup>, but does not include any occupier of domestic premises in respect of domestic waste removed from those premises];

<sup>F64</sup>“controlled waste” has the same meaning as in Part II of the 1990 Act ;

“conveyance” includes a vehicle designed to carry goods by road or rail and a vessel designed to carry goods by water;

<sup>[F65]</sup>“domestic waste” means waste produced by a household;]

<sup>[F66]</sup>“European Waste Catalogue” means the list of wastes <sup>[F67]</sup>as defined in regulation 1B,]]

<sup>F68</sup>“harbour area” has the same meaning as in the <sup>[F69]</sup>Dangerous Goods in Harbour Areas Regulations 2016];

<sup>F70</sup>  
...

<sup>[F71]</sup>“holder” means the producer of waste or the person who is in possession of it;]

<sup>F72</sup>  
...

<sup>[F73]</sup>“premises” includes any ship;

<sup>[F71]</sup>“producer” means any person whose activities produce waste (“original producer”) and/or any person who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;]

“relevant code”, in relation to a consignment note or carrier’s schedule, means the code assigned in accordance with regulation 4 to the consignment of special waste to which the consignment note or carrier’s schedule relates or, where the consignment is one in a carrier’s round, to the consignments in that round;

“risk phrase” means the risk phrase shown under Part III of the approved supply list;

“ship” means a vessel of any type whatsoever operating in the marine environment including submersible craft, floating craft and any structure which is a fixed or floating platform;

“special waste” has the meaning given by regulation 2 of these Regulations; and

<sup>[F74]</sup>“the Waste Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste and repealing certain Directives, <sup>[F75]</sup>as last amended by <sup>[F76]</sup>Directive (EU) 2018/851].]]

<sup>[F77]</sup>“waste” has the same meaning as in section 75(2) of the Environmental Protection Act 1990 as read with section 75A of that Act,]

<sup>F78</sup><sup>[F71]</sup>“waste management licence” has the meaning given by section 35(1) of the 1990 Act .]]

[<sup>F79</sup>(5) Other expressions used in these Regulations which are used in the Waste Directive have the same meanings as in that Directive.]]

#### Extent Information

- E5** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), **reg. 76** (with **reg. 75**) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), **reg. 72(1)** (with **reg. 72(2)**)
- F54** S.I. 1980/1709, amended by S.I. 1988/1562, 1988/1790 and 1994/1137 and by Part IV of Schedule 6 to the [Radioactive Substances Act 1993](#) (c.12).
- F55** Words in **reg. 1(4)** inserted (S.) (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018](#) (S.S.I. 2018/391), **regs. 1(1), 10(2)(a)**
- F56** Words in **reg. 1(4)** omitted (S.) (27.3.2011) by virtue of [The Waste Management Licensing \(Scotland\) Regulations 2011](#) (S.S.I. 2011/228), **reg. 000(1), sch. 6 para. 4**
- F57** 1995 c.25.
- F58** The approved classification and labelling guide is available from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 6FS.
- F59** [S.I. 1994/3247](#).
- F60** The approved supply list is available from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 6FS.
- F61** Words in **reg. 1(4)** substituted (31.8.1996) by [The Special Waste \(Amendment\) Regulations 1996](#) (S.I. 1996/2019), **reg. 1, Sch. para. 2(a)(i)**
- F62** Words in **reg. 1(4)** substituted (31.8.1996) by [The Special Waste \(Amendment\) Regulations 1996](#) (S.I. 1996/2019), **reg. 1, Sch. para. 2(a)(ii)**
- F63** Words in **reg. 1(4)** inserted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011](#) (S.S.I. 2011/226), **regs. 1(1), 6(2)(a)**
- F64** See section 75 of the Environmental Protection Act 1990 and the Controlled Waste Regulations 1992 (S.I. 1992/588, amended by [S.I. 1993/566](#), 1994/1056 and 1995/288).
- F65** Words in **reg. 1(4)** inserted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011](#) (S.S.I. 2011/226), **regs. 1(1), 6(2)(b)**
- F66** Words in **reg. 1(4)** substituted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011](#) (S.S.I. 2011/226), **regs. 1(1), 6(2)(c)**
- F67** Words in **reg. 1(4)** substituted (S.) (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019](#) (S.S.I. 2019/26), **regs. 1, 7(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F68** [S.I. 1987/37](#).
- F69** Words in **reg. 1(4)** substituted (S.) (1.10.2016) by [The Dangerous Goods in Harbour Areas Regulations 2016](#) (S.I. 2016/721), **reg. 1, Sch. 5 para. 3** (with **reg. 5**)
- F70** Words in **reg. 1(4)** omitted (S.) (27.3.2011) by virtue of [The Waste \(Scotland\) Regulations 2011](#) (S.S.I. 2011/226), **regs. 1(1), 6(2)(d)**
- F71** Words in **reg. 1(4)** inserted (S.) (1.7.2004) by [The Special Waste Amendment \(Scotland\) Regulations 2004](#) (S.S.I. 2004/112), **regs. 1(2), 2(2)(b)**
- F72** Words in **reg. 1(4)** omitted (S.) (1.7.2004) by virtue of [The Special Waste Amendment \(Scotland\) Regulations 2004](#) (S.S.I. 2004/112), **regs. 1(2), 2(2)(a)**
- F73** Words in **reg. 1(4)** substituted (31.8.1996) by [The Special Waste \(Amendment\) Regulations 1996](#) (S.I. 1996/2019), **reg. 1, Sch. para. 2(b)**
- F74** Words in **reg. 1(4)** substituted (S.) (1.7.2016) by [The Waste \(Meaning of Recovery\) \(Miscellaneous Amendments\) \(Scotland\) Order 2015](#) (S.S.I. 2015/438), **arts. 1, 2**

- F75** Words in [reg. 1\(4\)](#) substituted (S.) (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **10(2)(b)**
- F76** Words in [reg. 1\(4\)](#) substituted (S.) (4.12.2020) by [The Waste \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/314\)](#), regs. 1(1), **3(2)**
- F77** Words in [reg. 1\(4\)](#) substituted (S.) (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/26\)](#), regs. 1, **7(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F78** Section 35 is modified by paragraph 9 of Part I of Schedule 4 to the Waste Management Licensing Regulations 1994.
- F79** [Reg. 1\(5\)](#) substituted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), regs. 1(1), **6(3)**

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

**1A.** 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, and
- (b) hazardous properties is a reference to the properties in Annex III, as read in accordance with regulation 2ZF.

### Textual Amendments

- F1** [Regulations revoked \(E.\) \(16.7.2005\)](#) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), **reg. 76** (with [reg. 75](#)) and [Regulations revoked \(W.\) \(16.7.2005\)](#) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), **reg. 72(1)** (with [reg. 72\(2\)](#))
- F2** [Regs. 1A, 1B](#) inserted (S.) (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/26\)](#), regs. 1, **7(3)**; 2020 c. 1, Sch. 5 para. 1(1)

## The List of Wastes

**1B.—(1)** In these Regulations, “the List of Wastes” means the list of wastes established by Commission Decision [2000/532/EC](#) 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 last amended by Commission Decision 2014/955/EU.

(2) A reference in these Regulations in relation to any waste—

- (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 listed as a hazardous waste, it shall only be considered to be listed as a hazardous waste where any relevant limit value of concentration is met,
- (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 or special waste pursuant to these Regulations,

and cognate expressions shall be construed accordingly.]

### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F2** Regs. 1A, 1B inserted (S.) (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019](#) (S.S.I. 2019/26), regs. 1, [7\(3\)](#); 2020 c. 1, Sch. 5 para. 1(1)

## Meaning of special waste **E+W**

2. ....

### Extent Information

- E2** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))

## [<sup>F1</sup>Meaning of special waste **S**

[<sup>F80</sup>2.—(1) Subject to paragraph (2), “special waste” is waste that, for the time being—

- (a) is listed as hazardous in the List of Wastes provided that any relevant limit value of concentration is met,
- (b) is determined to be hazardous waste pursuant to regulation 2ZA, or
- (c) is a specific batch of waste which is determined to be hazardous waste pursuant to regulation 2ZB.

(2) For the purposes of paragraph (1), where a determination pursuant to regulation 2ZC has been made in respect of a specific batch of waste, that waste is not “special waste” even where it is of a type listed as hazardous in the List of Wastes.]]

### Extent Information

- E6** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F80** Reg. 2 substituted (S.) (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019](#) (S.S.I. 2019/26), regs. 1, [7\(4\)](#); 2020 c. 1, Sch. 5 para. 1(1)



### **[F3] Determination that a waste is hazardous waste**

**2ZA.**—(1) Subject to the following provisions of this regulation, where it appears to the Scottish Ministers that, having regard to the List of Wastes and the limit values of concentration set out in Annex III, there are reasonable grounds to suspect that a waste of a type listed, or falling within a type listed, in the List of Wastes as non-hazardous displays one or more hazardous properties, they may determine that, in Scotland, such waste is hazardous waste.

(2) The Scottish Ministers may revoke a determination made under paragraph (1).

(3) Before making a determination under paragraph (1) or revoking a determination under paragraph (2), the Scottish Ministers must consult the requisite bodies, except where they consider it inappropriate to do so in any case on account of the nature of an emergency or grave danger.

(4) In making a determination under paragraph (1) or revoking a determination under paragraph (2), the Scottish Ministers must take account of the relevant waste management objectives referred to in paragraphs 6(1)(a) and (b), (2) and (3) of schedule 4 of the Waste Management Licensing (Scotland) Regulations 2011 .

(5) The Scottish Ministers must publish, in such manner as they consider appropriate for the purpose of informing persons likely to be affected, a notice of any determination made under paragraph (1) or revocation under paragraph (2), and the notice must include—

- (a) the date and time at which the determination or revocation, as the case may be, is to take effect (which may be immediately upon publication), and
- (b) a description of the waste sufficient to identify it,

and must send a copy of the notice to the requisite bodies.

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

(7) Where waste enters Scotland from England, Wales or Northern Ireland, a determination in force under this regulation shall apply to it notwithstanding that a determination to like effect is not in force in respect of England, Wales or Northern Ireland, as the case may be.

#### **Textual Amendments**

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F3** [Regs. 2ZA-2ZF inserted \(S.\) \(31.12.2020\) by The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/26\)](#), [regs. 1, 7\(5\); 2020 c. 1, Sch. 5 para. 1\(1\)](#)

### **Specific waste to be treated as hazardous waste**

**2ZB.**—(1) The Scottish Ministers, having regard to the List of Wastes and the limit values of concentration set out in Annex III, may determine, in exceptional cases, that a specific batch of waste in Scotland which—

- (a) is not listed as hazardous in the List of Wastes, or
- (b) though of a type listed as hazardous waste in the List of Wastes, is treated as non-hazardous pursuant to regulation 2ZC,

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

(2) A specific batch of waste produced in Wales, England or Northern Ireland and not listed as hazardous in the List of Wastes, which is for the time being determined to be hazardous as referred

to in paragraph (3) shall, subject to any determination made under regulation 2ZC, be treated for all purposes as hazardous waste in Scotland.

(3) For the purposes of paragraph (2), a specific batch of waste may be determined to be hazardous—

- (a) in relation to Wales—
  - (i) if listed in regulations made under section 62A(2) of the 1990 Act, or
  - (ii) if so determined by the Welsh Assembly under regulation 8 of the Hazardous Waste (Wales) Regulations 2005 ,
- (b) in relation to England—
  - (i) if listed in regulations made under section 62A(1) of the 1990 Act, or
  - (ii) if so determined by the Secretary of State under regulation 8 of the Hazardous Waste (England and Wales) Regulations 2005 , or
- (c) in relation to Northern Ireland, if so determined by the Department of Agriculture, Environment and Rural Affairs under regulation 8 or 9 of the Hazardous Waste Regulations (Northern Ireland) 2005 .

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F3** Regs. 2ZA-2ZF inserted (S.) (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/26\)](#), regs. 1, [7\(5\)](#); 2020 c. 1, Sch. 5 para. 1(1)

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

**2ZC.**—(1) The Scottish Ministers may determine, in exceptional cases, on the basis of documentary evidence provided by the holder, and having regard to the List of Wastes and the limit values of concentration set out in Annex III, that a specific batch of waste in Scotland which—

- (a) is listed as hazardous in the List of Wastes, or
- (b) though of a type not listed as hazardous waste in the List of Wastes, is treated as hazardous pursuant to regulation 2ZB(2),

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

(2) The Scottish Ministers must not determine that waste shall be treated as non-hazardous under paragraph (1) if it 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.

(3) A specific batch of waste produced in Wales, England or Northern Ireland and listed as a hazardous waste in the List of Wastes, and which is for the time being determined to be non-hazardous as referred to in paragraph (4) shall, subject to any determination made under regulation 2ZB, be treated for all purposes as non-hazardous in Scotland.

(4) For the purposes of paragraph (3), a specific batch of waste may be determined to be non-hazardous—

- (a) in relation to Wales, by the Welsh Ministers under regulation 9 of the Hazardous Waste (Wales) Regulations 2005,
- (b) in relation to England, by the Secretary of State under regulation 9 of the Hazardous Waste (England and Wales) Regulations 2005, or



- (c) in relation to Northern Ireland by the Department of Agriculture, Environment and Rural Affairs under regulation 10 of the Hazardous Waste Regulations (Northern Ireland) 2005.

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F3** Regs. 2ZA-2ZF inserted (S.) (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019](#) (S.S.I. 2019/26), regs. 1, [7\(5\)](#); 2020 c. 1, Sch. 5 para. 1(1)

#### Provisions common to regulations 2ZB and 2ZC

**2ZD.**—(1) The Scottish Ministers may revoke a determination made under regulation 2ZB or 2ZC.

(2) The Scottish Ministers must, before making a determination under regulation 2ZB or 2ZC or revoking such a determination, except where they consider 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 them—
  - (i) to have an interest in the specific waste, or
  - (ii) to be otherwise directly affected by the determination.

(3) In making a determination under regulation 2ZB or 2ZC or revoking such a determination, the Scottish Ministers must take account of the relevant waste management objectives referred to in paragraphs 6(1)(a) and (b), (2) and (3) of schedule 4 of the Waste Management Licensing (Scotland) Regulations 2011.

(4) The Scottish Ministers must give notice of any determination made under regulation 2ZB or 2ZC or revocation of such a determination to—

- (a) the requisite bodies,
- (b) the holder of the specific batch of waste concerned, and
- (c) any person they have consulted pursuant to paragraph (2)(c).

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

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F3** Regs. 2ZA-2ZF inserted (S.) (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019](#) (S.S.I. 2019/26), regs. 1, [7\(5\)](#); 2020 c. 1, Sch. 5 para. 1(1)

#### Requisite bodies

**2ZE.** For the purposes of these regulations, the “requisite bodies” are—

- (a) the Scottish Environmental Protection Agency,
- (b) the Secretary of State,

- (c) the Environment Agency,
- (d) the National Assembly for Wales,
- (e) the Natural Resources Body for Wales,
- (f) the Department of Agriculture, Environment and Rural Affairs, Northern Ireland,
- (g) the Health and Safety Executive, and
- (h) any organisation appearing to the Scottish Ministers to be representative of persons likely to be affected by the relevant determination or revocation of a determination, as the case may be.

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F3** Regs. 2ZA-2ZF inserted (S.) (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/26\)](#), regs. 1, [7\(5\)](#); 2020 c. 1, Sch. 5 para. 1(1)

#### Modification of the Waste Directive

**2ZF.**—(1) For the purposes of these regulations, the Waste Directive is to be read in accordance with this regulation.

- (2) Annex III (properties of waste which render it hazardous) is to be read as if—
- (a) in entry HP 9, in the second sentence, “in the Member States” were omitted, and
  - (b) in entry HP 15, in the text following the table, for the words “Member States” there were substituted “ the Scottish Ministers ”.]

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F3** Regs. 2ZA-2ZF inserted (S.) (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/26\)](#), regs. 1, [7\(5\)](#); 2020 c. 1, Sch. 5 para. 1(1)

#### Application of Regulations

**[<sup>F4</sup>2A.**—(1) Except as provided in regulation 2B (domestic asbestos waste), these Regulations do not apply to special waste which forms part of mixed domestic waste.

(2) In this regulation, “mixed domestic waste” does not include any separate fractions of special waste which have been produced by a household.]

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))

- F4** Reg. 2A substituted (S.) (27.3.2011) by The Waste (Scotland) Regulations 2011 (S.S.I. 2011/226), regs. 1(1), **6(5)**

### **[<sup>F5</sup>Domestic Asbestos Waste**

**2B.**—(1) Subject to paragraphs (2) to (3), these Regulations apply to special waste which is domestic asbestos waste, except in so far as they would, apart from this paragraph, impose obligations on a person to whom paragraph (2) applies.

(2) This paragraph applies to a person who is both the original producer of the domestic waste and who is either—

- (a) a person who resides at the domestic premises at which the asbestos waste arises; or
- (b) a person who is acting on behalf of such a person without reward.

(3) In the application of these Regulations to asbestos waste—

- (a) not being domestic waste; and
- (b) produced in the course of any of the activities of construction, modification, repair and maintenance (including structural works) or demolition of domestic premises or any part thereof,

these Regulations operate in relation to a domestic occupier who has engaged any person, other than a person mentioned in paragraph (2)(b), for the carrying out of any such activity so as to treat that person as the producer of the asbestos waste to the exclusion of the occupier.]

#### **Textual Amendments**

- F1** Regulations revoked (E.) (16.7.2005) by The Hazardous Waste (England and Wales) Regulations 2005 (S.I. 2005/894), **reg. 76** (with reg. 75) and Regulations revoked (W.) (16.7.2005) by The Hazardous Waste (Wales) Regulations 2005 (S.I. 2005/1806), **reg. 72(1)** (with reg. 72(2))
- F5** Reg. 2B inserted (S.) (1.7.2004) by The Special Waste Amendment (Scotland) Regulations 2004 (S.S.I. 2004/112), regs. 1(2), **2(5)**

### **Certain radioactive waste to be special waste**

3. Section 62 (special provision with respect to certain dangerous and intractable waste) of the 1990 Act <sup>M5</sup> shall have effect, without modification, so as to empower the Secretary of State to make provision for waste which would be controlled waste but for the fact that it is radioactive waste within the meaning of the [<sup>F6</sup>Environmental Authorisations (Scotland) Regulations 2018 ]; [<sup>F7</sup>and paragraphs (1) and (2) of regulation 2][<sup>F7</sup>regulations 2 to 2B] shall apply to any such waste as if it were controlled waste.

#### **Textual Amendments**

- F1** Regulations revoked (E.) (16.7.2005) by The Hazardous Waste (England and Wales) Regulations 2005 (S.I. 2005/894), **reg. 76** (with reg. 75) and Regulations revoked (W.) (16.7.2005) by The Hazardous Waste (Wales) Regulations 2005 (S.I. 2005/1806), **reg. 72(1)** (with reg. 72(2))
- F6** Words in reg. 3 substituted (S.) (1.9.2018) by The Environmental Authorisations (Scotland) Regulations 2018 (S.S.I. 2018/219), reg. 1, **sch. 6 para. 6(3)** (with reg. 78, sch. 5 para. 2)
- F7** Words in reg. 3 substituted (S.) (1.7.2004) by The Special Waste Amendment (Scotland) Regulations 2004 (S.S.I. 2004/112), regs. 1(2), **2(6)**

### Marginal Citations

**M5** Section 62 is amended by paragraph 80 of Schedule 22 to the [Environment Act 1995 \(c.25\)](#).

### Coding of consignments

4.—(1) [<sup>F8</sup>Subject to paragraph (3),] an Agency shall assign or supply forthwith to any person, on request, for the purpose of assigning to a consignment of special waste or, where the consignment is one in a carrier's round, to the consignments in that round, a code unique to that consignment or round, as the case may be.

(2) A code assigned or supplied in accordance with paragraph (1) may consist of letters, numbers or symbols, or any combination of letters, numbers and symbols, or a bar code which enables the consignment or carrier's round, as the case may be, to be identified electronically.

[<sup>F9</sup>(3) The Agency need not assign or supply a code for a consignment or round until any fee required in respect of it under regulation 14(1) has been paid.]

### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F8** Words in reg. 4(1) inserted (31.8.1996) by [The Special Waste \(Amendment\) Regulations 1996 \(S.I. 1996/2019\)](#), [reg. 1](#), [Sch. para. 4\(a\)](#)
- F9** Reg. 4(3) added (31.8.1996) by [The Special Waste \(Amendment\) Regulations 1996 \(S.I. 1996/2019\)](#), [reg. 1](#), [Sch. para. 4\(b\)](#)

### [<sup>F10</sup>Packaging and labelling of special waste

**4A.** In the course of its collection, transport and temporary storage, the consignor shall ensure that special waste is properly packaged and labelled in accordance with the relevant provisions of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996.]

### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F10** Reg. 4A inserted (S.) (1.7.2004) by [The Special Waste Amendment \(Scotland\) Regulations 2004 \(S.S.I. 2004/112\)](#), [regs. 1\(2\), 2\(7\)](#)

### Consignment notes: standard procedure

5.—(1) Except in a case to which regulation 6, 8 or 9 applies, this regulation applies where a consignment of special waste is to be removed from the premises at which it is being held.

(2) Before the consignment is removed—

[<sup>F11</sup>(a) five copies of the consignment note shall be prepared, and, on each copy, Parts A and B shall be completed, and there shall be entered on the consignment note—

(i) the relevant code;

- (ii) the six digit code assigned to the waste in the European Waste Catalogue; and
- (iii) the postcode of the producer of the waste.]
- (b) the consignor shall ensure that one of those copies (on which Parts A and B have been completed and the relevant code entered) is furnished to the Agency for the place to which the consignment is to be transported;
- (c) the carrier shall complete Part C on each of the four remaining copies; and
- (d) the consignor—
  - (i) shall complete Part D on each of those copies;
  - (ii) shall retain one copy (on which Parts A to D have been completed and the relevant code entered); and
  - (iii) shall give the three remaining copies (on which Parts A to D have been completed and the relevant code entered) to the carrier.
- (3) The carrier shall ensure that the copies which he has received—
  - (a) travel with the consignment; and
  - (b) are given to the consignee on delivery of the consignment.
- (4) Subject to regulation 10, on receiving the consignment the consignee shall—
  - (a) complete Part E on the three copies of the consignment note given to him;
  - (b) retain one copy;
  - (c) give one copy to the carrier; and
  - (d) forthwith furnish one copy to the Agency for the place to which the consignment has been transported.
- (5) The carrier shall retain the copy of the consignment note given to him by the consignee.

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), **reg. 76** (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), **reg. 72(1)** (with [reg. 72\(2\)](#))
- F11** [Reg. 5\(2\)\(a\)](#) substituted (S.) (1.7.2004) by [The Special Waste Amendment \(Scotland\) Regulations 2004](#) (S.S.I. 2004/112), [regs. 1\(2\), 2\(8\)](#)

#### Consignment notes: cases in which pre-notification is not required

- 6.—(1)** For the purposes of regulation 7, except in a case to which regulation 8 applies, this regulation applies—
- (a) subject to paragraph (2)(a), to the removal, from the premises at which it is being held, of each of the second and any subsequent consignment of special waste in a succession of consignments of special waste,
  - (b) subject to paragraph (2)(b), to the removal as a consignment of special waste of a product or material for the purposes of the return by the person to whom the product or material had been supplied to the person who supplied it to him or who manufactured it,
  - (c) subject to paragraph (2)(c), to the removal of a consignment of special waste where the consignor and the consignee are bodies corporate belonging to the same group,
  - (d) to the removal from a ship in a harbour area of a consignment of special waste to a conveyance for transportation to a place outside that area, and

- (e) to the removal of a consignment of special waste which consists entirely of lead acid [<sup>F12</sup>motor vehicle] batteries.
- (2) This regulation does not apply unless—
- (a) in the case mentioned in paragraph (1)(a), in respect of each consignment—
- (i) the waste is of the same description as the waste in the first of the consignments in the succession;
  - (ii) the consignor is the same person;
  - (iii) the consignee is the same person;
  - (iv) the premises from which the consignment is removed are the same;
  - (v) the place to which the consignment is transported is the same; and
  - (vi) the removal of the consignment takes place within one year of the removal of the first consignment in the succession;
- (b) in the case mentioned in paragraph (1)(b), the person to whom the product or material was supplied is satisfied that, as supplied, the product or material fails to meet any specification which he expected it to meet;
- [<sup>F13</sup>(c) in the case mentioned in paragraph (1)(c), the removal is for the purposes of an operation that falls within either entry D15 in the table in Part II of schedule 4 [<sup>F14</sup>of the 2011 Regulations], or entry R13 in the table in Part III of schedule 4 [<sup>F14</sup>of the 2011 Regulations] and the consignee either—
- (i) is the holder of a waste management licence which authorises the relevant operation, or
  - (ii) carries on any activity to which section 33(1)(a) and (b) of the 1990 Act does not apply by virtue of regulation 16 or 17 of the 2011 regulations.]
- (3) In paragraph (1)(c) “group”, in relation to a body corporate, means that body corporate, any other body corporate which is its holding company or subsidiary and any other body corporate which is a subsidiary of that holding company; and for these purposes—
- “body corporate” does not include a corporation sole or a Scottish partnership, but includes a company incorporated elsewhere than in Great Britain; and
- “holding company” and “subsidiary” have the meaning given by section 736 of the Companies Act 1985 <sup>M6</sup>.

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F12** Words in reg. 6(1)(e) omitted (E.) (1.11.2001) by virtue of [The Special Waste \(Amendment\) \(England and Wales\) Regulations 2001](#) (S.I. 2001/3148), [regs. 1\(1\)\(a\), 4](#) and words in reg. 6(1)(e) omitted (W.) (1.11.2001) by virtue of [The Special Waste \(Amendment\) \(Wales\) Regulations 2001](#) (S.I. 2001/3545), [regs. 1\(2\)\(a\), 4](#)
- F13** Reg. 6(2)(c) substituted (S.) (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018](#) (S.S.I. 2018/391), [regs. 1\(1\), 10\(3\)](#)
- F14** Words in reg. 6(2)(c) inserted (S.) (1.7.2019) by virtue of [The Environment \(EU Exit\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019](#) (S.S.I. 2019/175), [regs. 1\(1\)\(a\), 3](#)



### Marginal Citations

**M6** 1985 c.6; section 736 is substituted by section 144(1) of the [Companies Act 1989 \(c.40\)](#).

### Consignment notes: procedure where pre-notification is not required

7. Paragraph (2), with the exception of sub-paragraph (b), and paragraphs (3) to (5) of regulation 5 shall apply in cases to which regulation 6 applies as if—

- (a) “four” were substituted for “five” in sub-paragraph (a) of paragraph (2);
- [<sup>F15</sup>(aa) references to the relevant code in regulation 5(2)(a) were references, in relation to the case mentioned in regulation 6(1)(a), to the relevant code and the code for the first consignment in that succession;]
- (b) references to the consignor were references—
  - (i) in relation to the case mentioned in regulation 6(1)(b), to the person to whom the product or material was supplied; and
  - (ii) in relation to the case mentioned in regulation 6(1)(d), to the master of the ship; and
- (c) references to the consignee were references, in relation to the case mentioned in regulation 6(1)(b), to the person to whom the product or material is to be returned.

### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F15** Reg. 7(aa) inserted (E.) (1.11.2001) by [The Special Waste \(Amendment\) \(England and Wales\) Regulations 2001 \(S.I. 2001/3148\)](#), [regs. 1\(1\)\(a\), 5](#) and reg. 7(aa) inserted (W.) (1.11.2001) by [The Special Waste \(Amendment\) \(Wales\) Regulations 2001 \(S.I. 2001/3545\)](#), [regs. 1\(2\)\(a\), 5](#)

### Consignment notes: carrier's rounds

8.—(1) This regulation applies to a carrier's round or to a succession of such rounds by the same carrier starting and ending within a twelve month period in respect of which:

- (a) every consignor is a person specified in the consignment note or in the schedule prepared in accordance with paragraph (2)(b)(iii) or whose particulars are notified in writing to the Agency not less than 72 hours before the removal of the first waste on the carrier's round;
  - (b) the premises from which the special waste is removed are:
    - (i) specified in the consignment note or in the schedule prepared in accordance with paragraph (2)(b)(iii) or notified in writing to the Agency not less than 72 hours before the removal of the first waste on the carrier's round; and
    - (ii) so located that the Agency for each of those premises is the same;
  - (c) the special waste is of a description specified in the consignment note; and
  - (d) in the case of a single round other than a round that satisfies the requirements of regulation 14(2)(a), the time between the collection of the first consignment and delivery to the consignee is no more than [<sup>F16</sup>24 hours][<sup>F16</sup>72 hours].
- (2) Before the first removal of waste, the carrier shall,
- (a) on any carrier's round which is not in a succession or on the first round in such a succession, ensure that

- (i) Parts A and B of the consignment note are completed and that the relevant code is entered;
  - (ii) [<sup>F17</sup>except where the special waste to be collected on the carrier's round consists entirely of lead acid [<sup>F18</sup>motor vehicle] batteries,] one copy of the consignment note is furnished to the Agency for the place to which the special waste is to be transported;
- (b) on every round—
- (i) prepare [<sup>F19</sup>three] copies of the consignment note in addition to one copy for each consignor from whom waste is to be collected during the round;
  - (ii) complete on those copies Parts A and B, the carrier's particulars and particulars of transport in Part C, the code assigned or supplied under regulation 4 in respect of the round and, if it is a second or subsequent round, the code in respect of the first round; and
  - (iii) ensure that four copies of a schedule are prepared in the form set out in Part II of Schedule 1 to these Regulations, or in a form substantially to the like effect, in addition to one consignor's copy for each site from which waste is to be collected during that round.
- [<sup>F20</sup>(2A) In a case where waste of more than one description is specified in the consignment note, either—
- (a) the schedule referred to in paragraph (2)(b)(iii) shall contain a separate entry for each description of waste to be collected from each consignor showing the description of waste to which that entry relates; or
  - (b) each entry in the schedule shall show the different descriptions of the waste to be collected and, for each such description, the quantity of the waste to be collected.]
- (3) The consignor shall, before the removal of waste from a site, complete on all the copies that part of the schedule indicated on it as for completion by him.
- (4) The carrier shall ensure, before the removal of the waste, that—
- (a) the part of the schedule indicated on it as for completion by him is completed on all the copies [<sup>F21</sup>and includes a record of the time at which it is completed]; and
  - (b) he has all copies of the schedule (on which the part to be completed by the consignor has been completed) except the copy to be retained by the consignor under paragraph (5).
- (5) The consignor shall retain in respect of each site one copy of the consignment note and of that part of the schedule on which the parts to be completed by him and by the carrier have been completed.
- [<sup>F22</sup>(5A) Before the removal of the last consignment of waste on the carrier's round, the carrier shall complete Part C on the three copies of the consignment note retained by him.]
- (6) The carrier shall ensure that the copies of the consignment note and of the schedule which he has received—
- <sup>F23</sup>(a) .....;
  - (b) travel with the waste to which they refer;
  - (c) are given to the consignee on delivery of the waste.
- (7) Subject to regulation 10, on receiving the waste collected on each round, the consignee shall—
- (a) complete Part E on the three copies of the consignment note given to him;
  - (b) retain one copy of the consignment note and one copy of the schedule;
  - (c) give to the carrier a copy of the consignment note and a copy of the schedule; and

- (d) forthwith furnish to the Agency for the place to which the consignment has been transported one copy of the consignment note and one copy of the schedule.
- (8) The carrier shall retain the copies given to him in accordance with paragraph (7)(c).

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), **reg. 76** (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), **reg. 72(1)** (with [reg. 72\(2\)](#))
- F16** Words in [reg. 8\(1\)\(d\)](#) substituted (E.) (1.11.2001) by [The Special Waste \(Amendment\) \(England and Wales\) Regulations 2001 \(S.I. 2001/3148\)](#), [regs. 1\(1\)\(a\)](#), **6(a)** and words in [reg. 8\(1\)\(d\)](#) substituted (W.) (1.11.2001) by [The Special Waste \(Amendment\) \(Wales\) Regulations 2001 \(S.I. 2001/3545\)](#), [regs. 1\(2\)\(a\)](#), **6(a)**
- F17** Words in [reg. 8\(2\)\(a\)\(ii\)](#) inserted (31.8.1996) by [The Special Waste \(Amendment\) Regulations 1996 \(S.I. 1996/2019\)](#), [reg. 1](#), **Sch. para. 5(a)**
- F18** Words in [reg. 8\(2\)\(a\)\(ii\)](#) omitted (E.) (1.11.2001) by virtue of [The Special Waste \(Amendment\) \(England and Wales\) Regulations 2001 \(S.I. 2001/3148\)](#), [regs. 1\(1\)\(a\)](#), **6(b)** and words in [reg. 8\(2\)\(a\)\(ii\)](#) omitted (W.) (1.11.2001) by virtue of [The Special Waste \(Amendment\) \(Wales\) Regulations 2001 \(S.I. 2001/3545\)](#), [regs. 1\(2\)\(a\)](#), **6(b)**
- F19** Word in [reg. 8\(2\)\(b\)\(i\)](#) substituted (31.8.1996) by [The Special Waste \(Amendment\) Regulations 1996 \(S.I. 1996/2019\)](#), [reg. 1](#), **Sch. para. 5(b)**
- F20** [Reg. 8\(2A\)](#) inserted (31.8.1996) by [The Special Waste \(Amendment\) Regulations 1996 \(S.I. 1996/2019\)](#), [reg. 1](#), **Sch. para. 5(c)**
- F21** Words in [reg. 8\(4\)\(a\)](#) inserted (31.8.1996) by [The Special Waste \(Amendment\) Regulations 1996 \(S.I. 1996/2019\)](#), [reg. 1](#), **Sch. para. 5(d)**
- F22** [Reg. 8\(5A\)](#) inserted (31.8.1996) by [The Special Waste \(Amendment\) Regulations 1996 \(S.I. 1996/2019\)](#), [reg. 1](#), **Sch. para. 5(e)**
- F23** [Reg. 8\(6\)\(a\)](#) omitted (31.8.1996) by [The Special Waste \(Amendment\) Regulations 1996 \(S.I. 1996/2019\)](#), [reg. 1](#), **Sch. para. 5(f)**

#### Consignment notes: removal of ships' waste to reception facilities

- 9.—(1) This regulation applies where special waste is removed from a ship in a harbour area to—
- reception facilities provided within that harbour area; or
  - by pipeline to any such facilities provided outside a harbour area.
- (2) Before the waste is removed from the ship—
- three copies of the consignment note shall be prepared and Parts A and B shall be completed and the relevant code entered on each of those copies;
  - the operator of the facilities shall complete Part C on each of those copies; and
  - the master of the ship—
    - shall ensure that Part D is completed on each of those copies;
    - shall retain one copy (on which Parts A to D have been completed); and
    - shall give the two remaining copies (on which Parts A to D have been completed) to the operator of the facilities.
- (3) On receiving a consignment of special waste the operator of the facilities shall—
- complete Part E on the copies of the consignment note which he has received;
  - retain one copy; and

- (c) forthwith furnish the other copy to the Agency for the place where the facilities are situated.

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))

#### Consignment notes etc.: duty of consignee not accepting delivery of a consignment

**10.**—(1) This regulation applies where the consignee does not accept delivery of a consignment of special waste.

(2) In a case to which this regulation applies the requirements of regulation 5(4) (including that paragraph as applied in cases to which regulation 6 applies) or 8(7), as the case may be, shall not apply to the consignee.

(3) If, in a case to which this regulation applies, copies of the consignment note have been given to the consignee he shall—

- (a) indicate on Part E of each copy that he does not accept the consignment and the reasons why he does not accept the consignment;
- (b) retain one copy;
- (c) ensure that one copy, accompanied by one copy of any carrier's schedule given to him in accordance with regulation 8, [<sup>F24</sup>(annotated to show which consignment is not accepted)] are furnished forthwith to the Agency for the place to which the special waste has been transported; and
- (d) ensure that the other copy is returned to the carrier forthwith.

(4) If, in a case to which this regulation applies, no copies of the consignment note have been given to the consignee he shall ensure that a written explanation of his reasons for not accepting delivery, including such details of the consignment and of the carrier as are known to him, is furnished forthwith to the Agency for the place to which the special waste has been transported.

(5) In a case to which this regulation applies—

- (a) on being informed that the consignee will not accept delivery of the consignment, the carrier shall inform the Agency and seek instructions from the consignor;
- (b) the consignor shall forthwith inform the carrier and the Agency of his intentions as regards the consignment; and
- (c) the carrier shall take all reasonable steps to ensure that the consignor's intentions are fulfilled.

(6) For the purposes of paragraph (5), the consignor may propose one of the following, namely—

- (a) the delivery of the consignment to the premises from which it had been collected;
- (b) the delivery of the consignment to the premises at which it had been produced;
- (c) the delivery of the consignment to other specified premises in respect of which there is held any waste management licence necessary to authorise the receipt of the waste.

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))

**F24** Words in reg. 10(3)(c) inserted (E.) (1.11.2001) by [The Special Waste \(Amendment\) \(England and Wales\) Regulations 2001 \(S.I. 2001/3148\)](#), regs. 1(1)(a), **7** and words in reg. 10(3)(c) inserted (W.) (1.11.2001) by [The Special Waste \(Amendment\) \(Wales\) Regulations 2001 \(S.I. 2001/3545\)](#), regs. 1(2)(a), **7**

## **[<sup>F25</sup>C]Consignment notes: requirement for a new consignment note**

**10A.**—(1) This regulation applies where, in accordance with regulation 10(6)(c), a consignor proposes that a consignment be delivered to other specified premises in respect of which there is held any waste management licence necessary to authorise receipt of the waste.

(2) Before the consignment is delivered to those premises—

- (a) four copies of a new consignment note shall be prepared and
  - (i) on each copy Parts A and B shall be completed and the relevant code (including the previous code) shall be entered;
  - (ii) to each copy shall be attached a copy of any relevant previous carrier's schedule, annotated to show which consignment was not accepted;
- (b) the carrier shall complete Part C on each of those copies;
- (c) the consignor, subject to paragraph (3) below—
  - (i) shall complete Part D on each of those copies;
  - (ii) shall retain one copy (on which Parts A to D have been completed and the relevant codes entered); and
  - (iii) shall give the three remaining copies (on which Parts A to D have been completed and the relevant codes entered) to the carrier.

(3) The carrier may, where he has received written instructions from the consignor to that effect, complete Part D of each of the copies of the consignment note on behalf of the consignor, and where he does so he shall send to the consignor the consignor's copy (on which Parts A to D have been completed and the relevant codes entered).

(4) The carrier shall ensure that the three copies of the consignment note which he has received (or, if paragraph (3) applies, retained)—

- (a) travel with the consignment; and
- (b) are given to the consignee on delivery of the consignment.

(5) Subject to regulation 10, on receiving the consignment the consignee shall—

- (a) complete Part E on all copies of the consignment note given to him;
- (b) retain one copy;
- (c) give one copy to the carrier; and
- (d) forthwith furnish one copy to the Agency for the place to which the consignment has been transported.

(6) The carrier shall retain the copy of the consignment note given to him by the consignee.]

## **Textual Amendments**

**F1** [Regulations](#) revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), **reg. 76** (with [reg. 75](#)) and [Regulations](#) revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), **reg. 72(1)** (with [reg. 72\(2\)](#))

**F25** Reg. 10A inserted (E.) (1.11.2001) by [The Special Waste \(Amendment\) \(England and Wales\) Regulations 2001 \(S.I. 2001/3148\)](#), regs. 1(1)(a), **8** and reg. 10A inserted (W.) (1.11.2001) by [The Special Waste \(Amendment\) \(Wales\) Regulations 2001 \(S.I. 2001/3545\)](#), regs. 1(2)(a), **8**

### Consignment notes: duties of the Agencies

**11.**—(1) Subject to paragraph (2), where—

- (a) an Agency (“the receiving Agency”) has been furnished with a copy of a consignment note under regulation 5, 7, 8, 9 or 10 or with a copy of the explanation under regulation 10(4); and
- (b) the other Agency is the Agency for the premises from which the special waste was removed,

the receiving Agency shall, within two weeks of receipt, send to the other Agency one copy of the consignment note or explanation as the case may be.

(2) Where copies have been furnished—

- (a) under regulation 7 in a case to which regulation 6 applies by virtue of paragraph (1)(d) of that regulation, or
- (b) under regulation 9(3)(c),

paragraph (1) shall have effect as if the reference to the premises from which the special waste was removed were a reference to the harbour area in which the special waste was removed from the ship.

### Textual Amendments

**F1** [Regulations revoked \(E.\) \(16.7.2005\) by \[The Hazardous Waste \\(England and Wales\\) Regulations 2005 \\(S.I. 2005/894\\)\]\(#\), \*\*reg. 76\*\* \(with \[reg. 75\]\(#\)\) and \[Regulations revoked \\(W.\\) \\(16.7.2005\\) by \\[The Hazardous Waste \\\(Wales\\\) Regulations 2005 \\\(S.I. 2005/1806\\\)\\]\\(#\\), \\*\\*reg. 72\\(1\\)\\*\\* \\(with \\[reg. 72\\\(2\\\)\\]\\(#\\)\\)\]\(#\)](#)

### Consignment notes: provisions as to furnishing

**12.**—(1) Subject to paragraphs (2), (3) and (6), a copy of a consignment note required by regulation 5 or 8 to be furnished to an Agency must be furnished not more than one month and not less than 72 hours before the removal of the consignment.

(2) Subject to paragraphs (3) and (6), a copy of a consignment note required to be furnished by regulation 8(2)(a)(ii) shall be furnished not less than 72 hours before the removal of the first consignment to which the consignment note relates.

(3) The copy of the consignment note mentioned in paragraphs (1) and (2) may be furnished to the Agency within 72 hours before the removal where—

- (a) the consignment is to be delivered to other specified premises pursuant to a proposal under regulation 10(6)(c);
- (b) the consignment cannot lawfully remain where it is for 72 hours.

(4) The requirements of paragraphs (1) and (2) shall be treated as satisfied if—

- (a) a facsimile of the copy is furnished to the Agency by telephonic, electronic or other similar means of transmission in compliance with the time limits set out in those paragraphs, and
- (b) the copy is furnished to the Agency before or, in accordance with paragraph (5) below, forthwith upon removal of the consignment.



(5) A copy of a consignment note or a written explanation of reasons for refusing to accept delivery of any special waste is furnished to an Agency in accordance with this paragraph if it, and any document required to be furnished with it, is—

- (a) delivered to the Agency, or
- (b) posted to the Agency by pre-paid first class post,

within one day of the receipt, removal or refusal to accept delivery of the special waste in question, as the case may be.

(6) In reckoning any period of hours for the purposes of paragraphs (1), (2) and (3), the hours of any Saturday, Sunday, Good Friday, Christmas Day, bank holiday or other public holiday shall be disregarded.

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))

#### Consignment notes: importers and exporters

**13.—**(1) Subject to paragraphs (3) and (4), regulations 5 to 12 shall apply to special waste imported into Great Britain from Northern Ireland or Gibraltar as if—

- (a) any reference to the consignor were a reference to the person importing the special waste;
- (b) any reference to the premises at which the special waste is being held and from which it is removed were a reference to the place where it first enters Great Britain; and
- (c) the special waste is removed from that place at the time when it first enters Great Britain.

(2) Subject to paragraph (4), these Regulations shall apply to special waste exported from Great Britain to Northern Ireland or Gibraltar as if—

- (a) any reference to the consignee were a reference to the person exporting the waste; and
- (b) the consignment of special waste is received by that person at the place where and the time when it leaves Great Britain.

(3) Paragraph (1) does not apply in a case to which either regulation 6(1)(d) or regulation 9 applies.

(4) Nothing in regulations 5 to 12 shall apply in relation to shipments of waste to which the provisions of [<sup>F26</sup>Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste, as last amended by Commission Regulation 2015/2002, apply.]

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F26** Words in [reg. 13\(4\)](#) substituted (S.) (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018](#) (S.S.I. 2018/391), [regs. 1\(1\), 10\(4\)](#)

## Fees

14.—(1) Subject to paragraph (2), [<sup>F27</sup>in connection with the assignment or supply of] a code for a consignment or a carrier's round in accordance with regulation 4(1), an Agency shall require payment of a fee [<sup>F28</sup>of—

- (b) £15 in other cases.][<sup>F28</sup>prescribed for the purposes by a charging scheme under section 41 of the Environment Act 1995]

(2) An Agency shall not require payment of a fee where the code is assigned or supplied in connection with:

- (a) a second or subsequent carrier's round in a succession of [<sup>F29</sup>such rounds in which a single vehicle is used and in respect of which]—
  - [<sup>F30</sup>(i) the carrier is also the consignee in relation to every consignment in all the rounds;]
  - (ii) no more than one consignment is collected from any consignor during the succession;
  - (iii) the total weight of special waste collected in each round [<sup>F31</sup>in the succession] does not exceed 400&4u;kg; and
  - (iv) the time between the collection of the first consignment on the first round in the succession and the delivery of the last consignment to the place to which it is to be transported is no more than one week.
- (b) the removal of a single consignment of special waste for the purposes set out in regulation 6(1)(b) provided that the person to whom the product or material was supplied is satisfied that it fails to meet any specification which he expected it to meet; or
- (c) the removal of special waste from a ship in a harbour area—
  - (i) to a conveyance for transportation to a place outside that area;
  - (ii) to reception facilities provided within the same harbour area; or
  - (iii) by pipeline to reception facilities provided outside the harbour area.

[<sup>F32</sup>(3) Where an Agency assigns or supplies a code under regulation 4(1) without the fee required under this regulation having been paid to it, the person who requested the assignment or supply shall be required to pay the fee to that Agency within the period of two months beginning with the date on which the request was made.]

### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F27** Words in reg. 14(1) substituted (31.8.1996) by [The Special Waste \(Amendment\) Regulations 1996 \(S.I. 1996/2019\)](#), [reg. 1](#), [Sch. para. 6\(a\)](#)
- F28** Words in reg. 14(1) substituted (E.) (1.11.2001) by [The Special Waste \(Amendment\) \(England and Wales\) Regulations 2001 \(S.I. 2001/3148\)](#), [regs. 1\(1\)\(a\)](#), [9\(a\)](#) and words in reg. 14(1) substituted (W.) (1.11.2001) by [The Special Waste \(Amendment\) \(Wales\) Regulations 2001 \(S.I. 2001/3545\)](#), [regs. 1\(2\)\(a\)](#), [9\(a\)](#)
- F29** Words in reg. 14(2)(a) substituted (31.8.1996) by [The Special Waste \(Amendment\) Regulations 1996 \(S.I. 1996/2019\)](#), [reg. 1](#), [Sch. para. 6\(b\)](#)
- F30** Reg. 14(2)(a)(i) omitted (E.) (1.11.2001) by virtue of [The Special Waste \(Amendment\) \(England and Wales\) Regulations 2001 \(S.I. 2001/3148\)](#), [regs. 1\(1\)\(a\)](#), [9\(b\)](#) and reg. 14(2)(a)(i) omitted (W.) (1.11.2001) by virtue of [The Special Waste \(Amendment\) \(Wales\) Regulations 2001 \(S.I. 2001/3545\)](#), [regs. 1\(2\)\(a\)](#), [9\(b\)](#)

- F31** Words in reg. 14(2)(a)(iii) inserted (E.) (1.11.2001) by [The Special Waste \(Amendment\) \(England and Wales\) Regulations 2001 \(S.I. 2001/3148\)](#), regs. 1(1)(a), **9(c)** and words in reg. 14(2)(a)(iii) inserted (W.) (1.11.2001) by [The Special Waste \(Amendment\) \(Wales\) Regulations 2001 \(S.I. 2001/3545\)](#), regs. 1(2)(a), **9(c)**
- F32** Reg. 14(3) added (31.8.1996) by [The Special Waste \(Amendment\) Regulations 1996 \(S.I. 1996/2019\)](#), reg. 1, **Sch. para. 6(c)**

## Registers **E+W**

### 15. ....

#### Extent Information

- E3** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F1** [Regulations](#) revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), **reg. 76** (with **reg. 75**) and [Regulations](#) revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), **reg. 72(1)** (with **reg. 72(2)**)

## [<sup>F81</sup> Registers **S**

**15.—(1)** At each site from which any consignment of special waste has been removed, the consignor shall keep a register containing—

- (a) a copy of the consignment note; and
- (b) where the consignment is one to which regulation 8 applies, a copy of that part of the carrier's schedule retained under regulation 8(5),

applicable to each consignment removed from that site.

**(2)** Every carrier shall keep a register containing—

- (a) a copy of the consignment note; and
- (b) where the consignment is one to which regulation 8 applies, a copy of the carrier's schedule,

applicable to each consignment which he has transported.

**(3)** At each site at which any consignment of special waste has been received, the consignee shall keep a register containing—

- (a) a copy of the consignment note; and
- (b) where the consignment is one to which regulation 8 applies, a copy of the carrier's schedule,

applicable to each consignment, other than a consignment to which regulation 10 applies, received at that site.

**(4)** A consignment note or carrier's schedule required by paragraph (1) or (2) to be kept in a register shall be retained in the register for not less than three years from the date on which the waste to which it relates was removed from the premises at which it was being held.

**(5)** Subject to paragraphs (6) and (7), consignment notes and carrier's schedules required by paragraph (3) to be kept by a person shall be retained until his waste management licence for the site

in question is surrendered or revoked entirely, at which time he shall send the register to the Agency for the site; and that Agency shall retain the register for not less than three years after its receipt.

(6) Where, by virtue of regulation 16(1)(a) or (b) [<sup>F82</sup>of the 2011 Regulations], section 33(1)(a), (b) and (c) of the 1990 Act does not apply to any of the activities carried on at a site at which special waste is received, paragraph (5) shall have effect as if any reference to the surrender or revocation of a person's waste management licence were a reference to the surrender or revocation of his authorisation under Part I of the 1990 Act for the site in question.

[<sup>F83</sup>(6A) Where, by virtue of [<sup>F84</sup>regulation 16(1)(c) or (d) of the 2011 Regulations], section 33(1)(a), (b) and (c) of the 1990 Act does not apply to any of the activities carried on at a site at which special waste is received, paragraph (5) shall have effect as if any reference to the surrender or revocation of a person's waste management licence were a reference to the surrender or revocation of his permit under [<sup>F85</sup>the Pollution Prevention and Control (Scotland) Regulations 2012 ] for the site in question.]

(7) Where, in circumstances other than those mentioned in paragraph (6) [<sup>F86</sup>or (6A)], section 33(1)(a) and (b) of the 1990 Act does not apply to any of the activities carried on at a site at which special waste is received, each consignment note and carrier's schedule required to be kept in a register shall be kept in that register for not less than three years from the date on which the consignment of special waste to which it relates was received at the site to which it was transported.

(8) Insofar as is consistent with the foregoing provisions of this regulation, registers under this regulation may be kept in any form.

[<sup>F87</sup>(9) It is the duty of the Scottish Environment Protection Agency to carry out inspections of the registers referred to within these Regulations at such intervals as it considers appropriate, <sup>F88</sup>... ]]

#### Extent Information

- E7** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F81** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F82** Words in [reg. 15\(6\)](#) substituted (S.) (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018](#) (S.S.I. 2018/391), [regs. 1\(1\), 10\(5\)\(a\)](#)
- F83** [Reg. 15\(6A\)](#) inserted (S.) (28.9.2000) by [The Pollution Prevention and Control \(Scotland\) Regulations 2000](#) (S.S.I. 2000/323), [reg. 1\(1\), sch. 10 para. 13\(1\)\(a\)](#) (with [reg. 34](#))
- F84** Words in [reg. 15\(6A\)](#) substituted (S.) (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018](#) (S.S.I. 2018/391), [regs. 1\(1\), 10\(5\)\(b\)](#)
- F85** Words in [reg. 15\(6A\)](#) substituted (S.) (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012](#) (S.S.I. 2012/360), [reg. 1\(2\), sch. 11 para. 8\(2\)](#) (with [reg. 71](#))
- F86** Words in [reg. 15\(7\)](#) inserted (S.) (28.9.2000) by [The Pollution Prevention and Control \(Scotland\) Regulations 2000](#) (S.S.I. 2000/323), [reg. 1\(1\), sch. 10 para. 13\(1\)\(a\)](#) (with [reg. 34](#))
- F87** [Reg. 15\(9\)](#) inserted (S.) (1.7.2004) by [The Special Waste Amendment \(Scotland\) Regulations 2004](#) (S.S.I. 2004/112), [regs. 1\(2\), 2\(9\)](#)
- F88** Words in [reg. 15\(9\)](#) omitted (S.) (31.12.2020) by virtue of [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019](#) (S.S.I. 2019/26), [regs. 1, 7\(6\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### **[<sup>F33</sup>Registers: special waste producers**

**15A.**—(1) A special waste producer shall keep a [<sup>F34</sup>chronological] record of the quantity, nature, origin and, where appropriate, the destination, frequency of collection and mode of transport of the special waste produced by that producer.

(2) Where special waste is transported from the premises where it was produced, by a person other than the producer of that waste, the requirement on the producer to record the destination of that waste includes a requirement to record particulars sufficient to identify that other person.

(3) A special waste producer shall preserve the records kept pursuant to this Regulation whilst that producer remains the holder of that waste and for at least 3 years commencing on the date upon which that waste is transferred to another person.

(4) The information required to be kept in accordance with paragraphs (1) and (2) shall be kept in a register maintained by the special waste producer for that purpose.

(5) A special waste producer shall also enter into the register a copy of each consignment note and, where applicable, carrier's schedule in respect of each consignment removed, together with the producer return detailing that consignment.

(6) Except where paragraph (7) applies, the register required to be maintained under paragraph (4) shall be kept at the premises at which the special waste was produced.

(7) Where a special waste producer ceases to have access to the premises referred to at paragraph (6), but the period mentioned in paragraph (3) has not expired, for the remainder of that period, that producer shall keep the register at the producer's principal place of business and notify the Scottish Environment Protection Agency thereof forthwith.

(8) Any register kept and retained under this regulation shall be produced to, and made available for inspection by, the Scottish Environment Protection Agency on request.

(9) Insofar as is consistent with the foregoing provisions of this regulation, registers required to be kept under this regulation may be kept in any form.]

#### **Textual Amendments**

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F33** [Reg. 15A](#) inserted (S.) (1.7.2004) by [The Special Waste Amendment \(Scotland\) Regulations 2004 \(S.S.I. 2004/112\)](#), [regs. 1\(2\), 2\(10\)](#)
- F34** Word in [reg. 15A\(1\)](#) inserted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), [regs. 1\(1\), 6\(7\)](#)

#### **Site records**

**16.**—(1) Any person who makes a deposit of special waste in or on any land shall record the location of each such deposit, shall keep such records until his waste management licence is surrendered or revoked and shall then send the records to the Agency for the site.

(2) Such records shall comprise either—

- (a) a site plan marked with a grid, or
- (b) a site plan with overlays on which deposits are shown in relation to the contours of the site.

(3) Deposits shall be described in such records by reference to the register of consignment notes kept under regulation 15, save that where waste is disposed of—

- (a) by pipeline, or

(b) within the curtilage of the premises at which it is produced,  
the deposits shall be described by reference to a record of the quantity and composition of the waste and the date of its disposal.

(4) In the case of liquid wastes discharged without containers into underground strata or disused workings the record shall comprise only a written statement of the quantity and composition of special waste so discharged and the date of its disposal.

(5) Every record made pursuant to regulation 14 of the Control of Pollution (Special Waste) Regulations 1980 <sup>M7</sup> shall—

- (a) be kept with the records referred to in paragraph (1) above for so long as is mentioned in that paragraph, and
- (b) shall accompany those records when they are sent to the Agency in accordance with that paragraph.

#### Textual Amendments

**F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))

#### Marginal Citations

**M7** [S.I. 1980/1709](#), as amended by [S.I. 1988/1562](#), 1988/1790, 1994/1137 and by Part IV of Schedule 6 to the [Radioactive Substances Act 1993](#) (c.12).

### Restrictions on mixing special waste **E+W**

17. ....

#### Extent Information

**E4** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

**F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))

### <sup>F89</sup> Restrictions on mixing special waste **S**

17.—(1) Subject to paragraph (2) [<sup>F90</sup> and to regulation 15(3) of the Waste Management Licensing (Scotland) Regulations 2011], an establishment or undertaking which carries out the disposal or recovery of special waste, or which collects or transports special waste, shall not—

- (a) mix different categories of special waste; or
- (b) mix special waste with waste which is not special waste [<sup>F91</sup>, or with other substances or materials] .

(2) Paragraph (1) above shall not apply if the mixing—

- (a) is authorised by a waste management licence or under an authorisation granted under Part I of the 1990 Act [<sup>F92</sup> or under a permit granted under [<sup>F93</sup> the Pollution Prevention and



Control (Scotland) Regulations 2012]]<sup>F94</sup> or under a permit granted under the Pollution Prevention and Control (Scotland) Regulations 2000]; <sup>F95</sup>...

[<sup>F96</sup>(b) complies with [<sup>F97</sup> the measures in paragraph (2A)] , and any adverse impact of the waste management on human health and the environment is not increased; and

(c) conforms to best available techniques.]

[<sup>F98</sup>(2A) the measures referred to in paragraph 2(b) are the necessary measures to ensure that waste management is carried out without endangering human health, without harming the environment and, in particular without—

(a) risk to water, air, soil, plants or animals,

(b) causing a nuisance through noise or odours,

(c) adversely affecting the countryside or places of special interest.]

[<sup>F99</sup>(3) In this regulation and in regulation 17A, “mixing” includes dilution of special waste.]]

#### Extent Information

**E8** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F89** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F90** Words in [reg. 17\(1\)](#) inserted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011](#) (S.S.I. 2011/226), [regs. 1\(1\)](#), [6\(8\)\(a\)](#)
- F91** Words in [reg. 17\(1\)\(b\)](#) inserted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011](#) (S.S.I. 2011/226), [regs. 1\(1\)](#), [6\(8\)\(b\)](#)
- F92** Words in [reg. 17\(2\)\(a\)](#) inserted (E.W.) (1.8.2000) by [The Pollution Prevention and Control \(England and Wales\) Regulations 2000](#) (S.I. 2000/1973), [reg. 1\(1\)](#), [Sch. 10 para. 40](#) (with [regs. 1\(3\)](#), 5)
- F93** Words in [reg. 17\(2\)](#) substituted (S.) (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012](#) (S.S.I. 2012/360), [reg. 1\(2\)](#), [sch. 11 para. 8\(2\)](#) (with [reg. 71](#))
- F94** Words in [reg. 17\(2\)\(a\)](#) inserted (S.) (28.9.2000) by [The Pollution Prevention and Control \(Scotland\) Regulations 2000](#) (S.S.I. 2000/323), [reg. 1\(1\)](#), [sch. 10 para. 13\(2\)](#) (with [reg. 34](#))
- F95** Word in [reg. 17\(2\)](#) omitted (S.) (27.3.2011) by virtue of [The Waste \(Scotland\) Regulations 2011](#) (S.S.I. 2011/226), [regs. 1\(1\)](#), [6\(8\)\(c\)](#)
- F96** [Reg. 17\(2\)\(b\)\(c\)](#) substituted for [reg. 17\(2\)\(b\)](#) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011](#) (S.S.I. 2011/226), [regs. 1\(1\)](#), [6\(8\)\(d\)](#)
- F97** Words in [reg. 17\(2\)\(b\)](#) substituted (S.) (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019](#) (S.S.I. 2019/26), [regs. 1](#), [7\(7\)\(a\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F98** [Reg. 17\(2A\)](#) inserted (S.) (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019](#) (S.S.I. 2019/26), [regs. 1](#), [7\(7\)\(b\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F99** [Reg. 17\(3\)](#) inserted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011](#) (S.S.I. 2011/226), [regs. 1\(1\)](#), [6\(8\)\(e\)](#)

#### [<sup>F35</sup>Duty to separate mixed wastes

**17A.—(1)** An establishment or undertaking which carries out the disposal or recovery of special waste, or which collects or transports special waste, shall, where such waste is already mixed with other waste, substances or materials, effect separation as soon as reasonably practicable where—

- (a) technically <sup>F36</sup>... feasible; and
- [<sup>F37</sup>(b) necessary in order to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular without—
- (i) risk to water, air, soil, plants or animals,
  - (ii) causing a nuisance through noise or odours,
  - (iii) adversely affecting the countryside or places of special interest.]
- <sup>F38</sup>(2)] .....

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), **reg. 76** (with **reg. 75**) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), **reg. 72(1)** (with **reg. 72(2)**)
- F35** [Reg. 17A](#) inserted (S.) (1.7.2004) by [The Special Waste Amendment \(Scotland\) Regulations 2004](#) (S.S.I. 2004/112), **regs. 1(2), 2(11)**
- F36** Words in [reg. 17A\(1\)\(a\)](#) omitted (4.12.2020) by virtue of [The Waste \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020](#) (S.S.I. 2020/314), **regs. 1(1), 3(3)**
- F37** [Reg. 17A\(1\)\(b\)](#) substituted (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019](#) (S.S.I. 2019/26), **regs. 1, 7(8)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F38** [Reg. 17A\(2\)](#) omitted (31.12.2020) by virtue of [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019](#) (S.S.I. 2019/26), **regs. 1, 7(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Offences

**18.—(1)** Subject to paragraph (2) below, it shall be an offence for a person (other than a member, officer or employee of an Agency who is acting as authorised by that Agency,) to fail to comply with any of the foregoing provisions of these Regulations insofar as that provision imposes any obligation or requirement upon him.

(2) It shall be a defence for a person charged with an offence under paragraph (1) to prove that he was not reasonably able to comply with the provision in question by reason of an emergency or grave danger and that he took all steps as were reasonably practicable in the circumstances for—

- (a) minimising any threat to the public or the environment; and
- (b) ensuring that the provision in question was complied with as soon as reasonably practicable after the event.

(3) A 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 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.

(4) 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.

(5) Where the commission by any person of an offence under this regulation 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.

(6) Where an offence under this regulation 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, he, as well as the body corporate, shall be liable to be proceeded against and punished accordingly.

(7) Where the affairs of a body corporate are managed by its members, paragraph (6) shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(8) Where, in Scotland, an offence under this regulation which has been committed by a partnership or an unincorporated association (other than a partnership) 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 partner in the partnership or, as the case may be, a person concerned in the management or control of the association, he, as well as the partnership or association, shall be liable to be proceeded against and punished accordingly.

(9) A person who commits an offence under this regulation shall be liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))

### Responsibilities of the Agencies

**19.** The Agencies shall be responsible for supervising the persons and activities subject to any provision of these Regulations.

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))

### [<sup>F39</sup>Mutual recognition of consignment notes

**19A.** Where special waste is removed from premises situated outside Scotland, any consignment note that contains or purports to contain the same information as that required in the [<sup>F40</sup>notification document for transboundary movements/shipments of waste set out in Annex 1A, and the movement document for transboundary movements/shipments of waste set out in Annex 1B, to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste, as last amended by Commission Regulation 2015/2002], that accompanies the special waste shall be treated for the purposes of these Regulations as if it was a consignment note raised in compliance or purported compliance with the provisions of these Regulations.]

#### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))

- F39** Reg. 19A inserted (S.) (1.7.2004) by [The Special Waste Amendment \(Scotland\) Regulations 2004](#) (S.S.I. 2004/112), regs. 1(2), **2(12)**
- F40** Words in reg. 19A substituted (S.) (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018](#) (S.S.I. 2018/391), regs. 1(1), **10(6)**

### Transitional provisions for certificates of technical competence

**20.**—(1) This regulation applies in relation to—

- (a) waste defined as special waste under regulation 2 of these Regulations which was not so defined under regulation 2 of the Control of Pollution (Special Waste) Regulations 1980<sup>M8</sup> (“waste now defined as special waste”); and
- (b) persons to be treated as technically competent for the purposes of section 74(3)(b) of the 1990 Act—
  - (i) pursuant to regulation 4 of the 1994 Regulations; or
  - (ii) pursuant to regulation [F415(1)] of the 1994 Regulations, or to regulation 4(1) or (3) of the Waste Management Licensing (Amendment etc.) Regulations 1995<sup>M9</sup>.

(2) For the purposes only of operations concerning waste now defined as special waste and provided that both the conditions set out in paragraph (3) are satisfied, the persons referred to in paragraph (1)(b) shall continue to be treated as technically competent—

- (a) in the case of those referred to in paragraph (1)(b)(i), until 10th August 2000; and
- (b) in the case of those referred to in paragraph (1)(b)(ii), in accordance with the Regulations mentioned there, except that paragraph (1) of regulation 5 of the 1994 Regulations and paragraphs (1) and (4) of regulation 4 of the Waste Management Licensing (Amendment etc.) Regulations 1995 shall have effect as if for the date “10th August 1999” there were substituted the date “10th August 2000”.

(3) The conditions referred to in paragraph (2) are that:

- (a) before 1st March 1997, the person applies to the Waste Management Industry Training and Advisory Board for a certificate of technical competence at Level 4 in respect of special waste; and
- (b) before 1st September 1996, the person was entitled to act as the manager of a facility in respect of which there was in force a waste management licence authorising activities concerning waste now defined as special waste.

### Textual Amendments

- F1** [Regulations](#) revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), **reg. 76** (with [reg. 75](#)) and [Regulations](#) revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), **reg. 72(1)** (with [reg. 72\(2\)](#))
- F41** Word in reg. 20(1)(b)(ii) substituted (28.2.1997) by [The Special Waste \(Amendment\) Regulations 1997](#) (S.I. 1997/251), regs. 1, **2(a)**

### Marginal Citations

- M8** [S.I. 1980/1709](#), amended by [S.I. 1988/1790](#).
- M9** [S.I. 1995/288](#), amended by [S.I. 1995/1950](#). Paragraph (3) of regulation 4 is subject to paragraphs (4) and (5), the latter being inserted by regulation 3 of [S.I. 1995/1950](#) and amended by regulation 3 of [S.I. 1996/634](#).

## [<sup>F42</sup>Transitional provisions and “grandfather rights”

**20A** A person who by virtue of paragraph (2) of regulation 5 of the 1994 Regulations is treated as being technically competent for the purposes of section 74(3)(b) of the 1990 Act, shall continue to be so treated in accordance with paragraphs (2) and (4) of that regulation as if waste now defined as special waste within the meaning of regulation 20(1)(a) were not special waste.]

### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))
- F42** Reg. 20A inserted (28.2.1997) by [The Special Waste \(Amendment\) Regulations 1997](#) (S.I. 1997/251), [regs. 1, 2\(b\)](#)

## Amendment of regulations relating to the assessment of environmental effects

**21.**—(1) In regulation 2(1) of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 <sup>M10</sup>, for the definition of “special waste” there shall be substituted—  
““special waste” means waste which is special waste for the purposes of the Special Waste Regulations 1996;”.

(2) In regulation 4(1) of the Environmental Assessment (Scotland) Regulations 1988 <sup>M11</sup>, for the definition of “special waste” there shall be substituted—  
““special waste” means waste which is special waste for the purposes of the Special Waste Regulations 1996;”.

### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))

### Marginal Citations

- M10** [S.I. 1988/1199](#), to which there are amendments not relevant to these Regulations.
- M11** [S.I. 1988/1221](#).

## Amendment of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991

**22.** In Schedule 1 to the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 <sup>M12</sup> there shall be added at the end—

“the Special Waste Regulations 1996”.

### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005](#) (S.I. 2005/894), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005](#) (S.I. 2005/1806), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))

#### Marginal Citations

**M12** [S.I. 1991/1624](#), to which there are amendments not relevant to these Regulations.

### Amendment of the Environmental Protection (Duty of Care) Regulations 1991

**23.** In regulation 2 of the Environmental Protection (Duty of Care) Regulations 1991 <sup>M13</sup>—

- (a) at the beginning of paragraph (1), there shall be added “Subject to paragraph (3),”;
- (b) after paragraph (2), the following paragraph shall be added:

“(3) Paragraph (1) shall not apply where the waste transferred is special waste within the meaning of the Special Waste Regulations 1996 and the consignment note and, where appropriate, schedule required by those Regulations are completed and dealt with in accordance with those Regulations.”.

#### Textual Amendments

**F1** [Regulations revoked \(E.\) \(16.7.2005\) by The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\), \*\*reg. 76\*\* \(with \*\*reg. 75\*\*\) and Regulations revoked \(W.\) \(16.7.2005\) by The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\), \*\*reg. 72\(1\)\*\* \(with \*\*reg. 72\(2\)\*\*\)](#)

#### Marginal Citations

**M13** [S.I. 1991/2839](#).

### Amendment of the Controlled Waste Regulations 1992

**24.** In paragraph 18(2) of Schedule 3 to the Controlled Waste Regulations 1992 <sup>M14</sup>, for the definition of “tank washings”, there shall be substituted—

““tank washings” has the same meaning as in paragraph 36 of Schedule 3 to the Waste Management Licensing Regulations 1994;”.

#### Textual Amendments

**F1** [Regulations revoked \(E.\) \(16.7.2005\) by The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\), \*\*reg. 76\*\* \(with \*\*reg. 75\*\*\) and Regulations revoked \(W.\) \(16.7.2005\) by The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\), \*\*reg. 72\(1\)\*\* \(with \*\*reg. 72\(2\)\*\*\)](#)

#### Marginal Citations

**M14** [S.I. 1992/588](#), as amended by [S.I. 1993/566](#), 1994/1056 and 1995/288.

### Amendment of the Waste Management Licensing Regulations 1994

**25.** The 1994 Regulations shall be amended in accordance with Schedule 3 to these Regulations.

#### Textual Amendments

**F1** [Regulations revoked \(E.\) \(16.7.2005\) by The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\), \*\*reg. 76\*\* \(with \*\*reg. 75\*\*\) and Regulations revoked \(W.\) \(16.7.2005\) by The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\), \*\*reg. 72\(1\)\*\* \(with \*\*reg. 72\(2\)\*\*\)](#)



## Revocations and savings

26.—(1) Subject to paragraph (2), the following are hereby revoked—

- (a) the Control of Pollution (Special Waste) Regulations 1980 <sup>M15</sup> (“the 1980 Regulations”);
- (b) the Control of Pollution (Landed Ships’ Waste) Regulations 1987 <sup>M16</sup>;
- (c) the Control of Pollution (Landed Ships’ Waste) (Amendment) Regulations 1989 <sup>M17</sup>; and
- (d) paragraphs (1) and (2) of regulation 18 of the Transfrontier Shipment of Waste Regulations 1994 <sup>M18</sup>.

(2) Subject to paragraph (3) of this regulation, the 1980 Regulations shall continue to have effect in relation to any special waste in respect of which the consignment note (within the meaning of those Regulations) was furnished or is treated as having been furnished to the Agency, in accordance with regulation 4 of those Regulations, before the coming into force of these Regulations.

(3) Paragraph (2) of this regulation shall not apply in relation to any special waste in respect of which consignment notes or copies of consignment notes are furnished pursuant to regulation 9 of the 1980 Regulations and after 31st August 1996 any direction made under regulation 9 of the 1980 Regulations shall have no effect.

### Textual Amendments

- F1** Regulations revoked (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), [reg. 76](#) (with [reg. 75](#)) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), [reg. 72\(1\)](#) (with [reg. 72\(2\)](#))

### Marginal Citations

- M15** [S.I. 1980/1709](#), as amended by [S.I. 1988/1562](#), 1988/1790 and 1994/1137 and by Part IV of Schedule 6 to the [Radioactive Substances Act 1993 \(c.12\)](#).
- M16** [S.I. 1987/402](#).
- M17** [S.I. 1989/65](#).
- M18** [S.I. 1994/1137](#).

*Ferrers*  
Minister of State,  
Department of the Environment

*Gwilym Jones*  
Parliamentary Under-Secretary of State, Welsh  
Office

*Lindsay*  
Parliamentary Under-Secretary of State, Scottish  
Office

**Changes to legislation:** There are currently no known outstanding effects for the The Special Waste Regulations 1996. (See end of Document for details)

## SCHEDULE 1

Regulation 1(4)

### F43F44F45F46F47F48F49 PART I

#### FORM OF CONSIGNMENT NOTE

##### Textual Amendments

- F43** Sch. 1 Pt. I Form, Part E, between “this waste” and “on”, and after “the waste described in B”: words “at the address given in A2” inserted (W.) (1.12.2001) by [The Special Waste \(Amendment\) \(Wales\) Regulations 2001 \(S.I. 2001/3545\)](#), regs. 1(2)(b), **10(c)**
- F44** Sch. 1 Pt. I Form, Part C: words “(name, address & postcode)” substituted “(name & address)” (W.) (1.12.2001) by [The Special Waste \(Amendment\) \(Wales\) Regulations 2001 \(S.I. 2001/3545\)](#), regs. 1(2)(b), **10(b)**
- F45** Sch. 1 Pt. I Form, Part B: words “of the waste” substituted “that make the waste special” (W.) (1.12.2001) by [The Special Waste \(Amendment\) \(Wales\) Regulations 2001 \(S.I. 2001/3545\)](#), regs. 1(2)(b), **10(a)**
- F46** Sch. 1 Pt. I Form, Part B: words “The chemical/biological components of the waste” substituted for “The chemical/biological components that make the waste special” (E.) (1.12.2001) by [The Special Waste \(Amendment\) \(England and Wales\) Regulations 2001 \(S.I. 2001/3148\)](#), regs. 1(1)(b), **10(a)**
- F47** Sch. 1 Pt. I Form, Part C: words “(name, address & postcode)” substituted “(name & address)” (E.) (1.12.2001) by [The Special Waste \(Amendment\) \(England and Wales\) Regulations 2001 \(S.I. 2001/3148\)](#), regs. 1(1)(b), **10(b)**
- F48** Sch. 1 Pt. I Form, Part E, after “I received this waste”: words “at the address given in A2” inserted after “the waste described in B” (E.) (1.12.2001) by [The Special Waste \(Amendment\) \(England and Wales\) Regulations 2001 \(S.I. 2001/3148\)](#), regs. 1(1)(b), **10(c)**
- F49** Sch. 1 Pt. I Form substituted (S.) (1.7.2004) by [The Special Waste Amendment \(Scotland\) Regulations 2004 \(S.S.I. 2004/112\)](#), reg. 1(2), **sch.**

**Changes to legislation:** There are currently no known outstanding effects for the The Special Waste Regulations 1996. (See end of Document for details)

**SPECIAL WASTE REGULATIONS 1996**  
No. of prenotice (if different) \_\_\_\_\_

Consignment Note No. \_\_\_\_\_  
Sheet \_\_\_\_\_ of \_\_\_\_\_

**A CONSIGNMENT DETAILS**

PLEASE TICK IF YOU ARE A TRANSFER'S AUTHOR \_\_\_\_\_

- The waste described below is to be removed from (name, address and postcode) \_\_\_\_\_
- The waste will be taken to (address & postcode) \_\_\_\_\_
- The consignment will be: ☐ one stage ☐ a succession ☐ containers received ☐ other ☐
- Expected removal date of first consignment \_\_\_\_\_ last consignment \_\_\_\_\_
- Name \_\_\_\_\_ On behalf of (company) \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_
- ☐ ☐ If different from 1, the waste producer's name, address and postcode

**B DESCRIPTION OF THE WASTE**

No. of additional sheets: \_\_\_\_\_

- The waste is \_\_\_\_\_
- The EMW (see 13) code(s) assigned to it is/are \_\_\_\_\_
- Physical form: ☐ Liquid ☐ Paste ☐ Sludge ☐ Solid ☐ Mixed ☐ 4. Other \_\_\_\_\_
- Quantity for removal \_\_\_\_\_ Quantity \_\_\_\_\_ Unit (see 13) (if different) \_\_\_\_\_ Container type, number and date \_\_\_\_\_
- The chemical/biological composition of the material is as follows: a separate sheet \_\_\_\_\_

Component	Consignment Quantity	Container	Consignment Quantity

- The Hazardous \_\_\_\_\_
- The pre-assigning date to waste is: \_\_\_\_\_

**C CARRIER'S CERTIFICATE**

I certify that I have collected the consignment and that the details in A, B, C and E above are correct. The quantity collected is made as follows:

- |   |  |
|---|--|
| Name _____  | On behalf of (company name & address) _____                  |
| Signature _____                                   | Date _____ at _____  |
| 1. Waste registration no. (see 13) (if any) _____ | 2. EMW (see 13) code(s) for mode of transport (if any) _____ |

**D CONSIGNOR'S CERTIFICATE**

I certify that the information in A and B above are correct, that the carrier is registered or exempt and I was a keeper of the consignment prior to my removal.

- |                 |                              |
|-----------------|------------------------------|
| Name _____      | On behalf of (company) _____ |
| Signature _____ | Date _____                   |

**E CONSIGNEE'S CERTIFICATE**

- |   |   |
|---|---|
| 1. I received the waste on _____ at _____ from _____                    | 2. Quantity received _____ c. quantity _____ unit (see 13) (if different) _____ |
| 3. Waste registration no. _____   | 1. Management Operator _____  |
| Identify the waste management (operator, EMW code, exemption no.) _____ | authorise the management of the waste described in B.                           |
| Name _____  | On behalf of (company) _____  |
| Signature _____   | Date _____  |

\* The European Waste Catalogue (EWC) sets out a list of wastes pursuant to Article (6) of the Waste Directive and Article (6) of the Hazardous Waste Directive and is set out in Commission Decision 2000/532/EC (O.J. No. L 164, 25.7.2000, p.29) as amended.

**Changes to legislation:** There are currently no known outstanding effects for the The Special Waste Regulations 1996. (See end of Document for details)

## PART II

### <sup>F50</sup><sup>F51</sup> FORM OF SCHEDULE

#### Textual Amendments

- F50** Sch. 1 Pt. II Form substituted (E.) (1.5.2002) by [The Special Waste \(Amendment\) \(England and Wales\) Regulations 2001 \(S.I. 2001/3148\)](#), regs. 1(1)(c), **11**
- F51** Sch. 1 Pt. II Form substituted (W.) (1.5.2002) by [The Special Waste \(Amendment\) \(Wales\) Regulations 2001 \(S.I. 2001/3545\)](#), regs. 1(2)(c), 11, **Sch. 1**

**Changes to legislation:** There are currently no known outstanding effects for the The Special Waste Regulations 1996. (See end of Document for details)

**SPECIAL WASTE REGULATIONS 1996:**

**Consignment Note No**

**CARRIER'S SCHEDULE**

**Sheet of**

Name, address & postcode from which waste was removed			Waste		Quantity	
Consignment Note No						
I certify that today I collected the quantity of waste given on this part of the schedule from the adress given here and will take it to the adress given in A2 on the consignment note.					I certify that the waste collected is as detailed above and conforms with the description given in B on the consignment note.	
Name (Carrier)		Signature		Name (Consignor)		Signature
Date	at	hrs	Date			

Name, address & postcode from which waste was removed			Waste		Quantity	
Consignment Note No			Date			
I certify that today I collected the quantity of waste given on this part of the schedule from the adress given here and will take it to the adress given in A2 on the consignment note.					I certify that the waste collected is as detailed above and conforms with the description given in B on the consignment note.	
Name (Carrier)		Signature		Name (Consignor)		Signature
Date	at	hrs	Date			

Name, address & postcode from which waste was removed			Waste		Quantity	
Consignment Note No						
I certify that today I collected the quantity of waste given on this part of the schedule from the adress given here and will take it to the adress given in A2 on the consignment note.					I certify that the waste collected is as detailed above and conforms with the description given in B on the consignment note.	
Name (Carrier)		Signature		Name (Consignor)		Signature
Date	at	hrs				

.....

**Changes to legislation:** There are currently no known outstanding effects for the *The Special Waste Regulations 1996*. (See end of Document for details)

### Textual Amendments

- F52** Regulations revoked (E.) (16.7.2005) by The Hazardous Waste (England and Wales) Regulations 2005 (S.I. 2005/894), reg. 76 (with reg. 75) and Regulations revoked (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), **reg. 72(1)** (with **reg. 72(2)**)
- F53** [Sch. 2](#) omitted (S.) (27.3.2011) by virtue of [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), regs. 1(1), **6(10)**

## SCHEDULE 3

Regulation 25

### AMENDMENTS TO THE WASTE MANAGEMENT LICENSING REGULATIONS 1994

Provision of Regulations	Amendment
regulation 1(3)	For the definition of “special waste”, substitute— ““special waste” has the meaning given by regulation 2 of the Special Waste Regulations 1996, except that it does not include radioactive waste within the meaning of the Radioactive Substances Act 1993;”.
regulation 3	At the end of paragraph (m) add— “(n) the Special Waste Regulations 1996”.
regulation 10(1)(k)	At the end add “or regulation 15(5) or 16(1) of the Special Waste Regulations 1996”.
regulation 17	After paragraph (3), insert the following— “(3A) Paragraph (1) does not apply to the carrying on of an exempt activity insofar as it involves the carrying out, by an establishment or undertaking, of their own waste disposal at the place of production if the waste being disposed of is special waste.”.
Schedule 3	(a) In paragraph 3(a)(ii) after “waste oil” insert “(including waste oil which is special waste)”. (b) In paragraph 3(c) after “waste oil”, in the first place where those words appear, insert “(including waste oil which is special waste)”. (c) In paragraph 18(2)(b) add at the end “(including waste oil which is special waste)”. (d) For paragraph 28 substitute— “ <b>28.</b> The storage of returned goods that are waste, and the secure storage of returned goods that are special waste,

pending recovery or disposal, for a period not exceeding one month, by their manufacturer, distributor or retailer.”

#### Schedule 4

(a) At the end of paragraph 9 of Part I add—

“(9) In subsection (1) of section 62, any reference to the treatment, keeping or disposal of such waste as is referred to in that subsection shall include a reference to submitting such waste to any of the operations listed in Part III or IV of this Schedule.

(10) In subsection (2) of section 62, any reference to the treatment, keeping or disposal of special waste shall include a reference to submitting special waste to any of the operations listed in Part III or IV of this Schedule.”.

(b) In paragraph 13(1) of Part I after “(dealers or brokers),”, insert “and producers of special waste,”.

(c) At the end of paragraph 14(1)(b) of Part I add “or, in the case of special waste, to a previous holder; and for this purpose “holder”, in respect of any such waste, means the producer or the person in possession of it”.

(d) After paragraph 14(1) of Part I insert—

“(1A) Where special waste is recovered or disposed of by an establishment or undertaking, it shall keep a record of the carrying out and supervision of the operation and, in the case of a disposal operation, of the after-care of the disposal site.”

(e) At the end of paragraph 14 of Part I <sup>M19</sup> add—

“(4) Subject to sub-paragraph (5) below, it shall be an offence for an establishment or undertaking to fail to comply with any of the foregoing provisions of this paragraph insofar as that provision imposes any requirement or obligation upon it.

(5) Paragraph (2) of regulation 18 of the Special Waste Regulations 1996 (defence in cases of emergency etc.) shall apply to a person charged with an offence under sub-paragraph (4) above as it applies to a person charged with an offence under paragraph (1) of that regulation.

(6) A person who, in purported compliance with a requirement to furnish any information



**Changes to legislation:** There are currently no known outstanding effects for the The Special Waste Regulations 1996. (See end of Document for details)

Schedule 5	<p>imposed by or under any of the provisions of this paragraph, makes a statement which he 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.</p> <p>(7) A person who intentionally makes a false entry in any record required to be kept by virtue of any of the provisions of this paragraph commits an offence.</p> <p>(8) Paragraphs (5) to (9) of regulation 18 of the Special Waste Regulations 1996 (offence where act or default causes offence by another, offences by bodies corporate and penalties) shall apply to an offence under this paragraph as they apply to an offence under that regulation.”.</p> <p>In Parts II and III, insert at the end of paragraph 3 of the guidance notes—</p> <p>“the Special Waste Regulations 1996”.</p>
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#### Marginal Citations

**M19** Paragraph 14 is amended by regulation 3(19) to (21) of the [Waste Management Licensing \(Amendment etc.\) Regulations 1995 \(S.I. 1995/288\)](#).

## EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide a new definition of special waste. They make provision for handling such waste and for implementing Council Directive [91/689/EEC](#) on hazardous waste (OJ No. L&4u;377, 31.12.1991, p.&4u;20,) (“the Directive”).

Regulation 2 defines special waste, making reference to Parts I, II and III of Schedule 2. This is to implement the definition of hazardous waste in the Directive and in particular in the List annexed to Council Decision [94/904/EC](#) (OJ No. L. 356, 31.12.94, p.14). The definition extends, in accordance with Article 4 of the Directive, to certain other waste considered by the United Kingdom to display particular hazardous properties. Household waste is excluded from the definition.

Regulation 4 requires the Environment Agency (in relation to England and Wales) and the Scottish Environment Protection Agency (in relation to Scotland) (“the Agencies”), to give unique codes to be applied to consignments of waste or to carrier’s rounds. Carrier’s rounds consist of several consignments collected on the same journey and delivered to one place. The codes are to be shown, together with other required information, on consignment notes which are to accompany the waste when transported. Regulations 5 to 10 and 12 and 13 and Schedule 1 provide for the completion and handling of these notes and for pre-notification to the Agency of the consignment

or round. Completion of such identification forms and their transport with waste are required by Article 5 of the Directive. The pre-notification provisions (regulations 5(2)(b), 8(2)(a)(ii) and 12) are not implementing specific Community obligations.

Regulation 11 requires the Agencies to provide certain information to one another, following notification, where waste is to be transported from England and Wales to Scotland or vice versa. Regulation 14 requires the Agencies to charge fees on supplying a code under regulation 4. The amount is generally £15 per consignment or round and £10 where the waste consists entirely of lead acid batteries. Rounds of low quantity fulfilling certain conditions attract no fees. Regulations 11 and 14 do not implement Community obligations.

Regulation 15 implements Article 4.3 of the Directive on the keeping of records by those consigning and carrying hazardous waste. They are both required to keep the documents for three years, although the Directive only requires carriers to keep records for at least twelve months. Together with regulation 16, it also implements the requirements of Article 2.1 of the Directive on the keeping of records for sites where hazardous waste is deposited.

Regulation 17 prohibits the mixing of special waste with other waste or other categories of special waste except where this is authorised under, or exempted from the effect of, certain other waste management legislation. This regulation is to implement Articles 2.2 and 2.3 of the Directive. Regulation 18 makes failure to comply with the Regulations a criminal offence except for an Agency member, officer or employee. There is a defence for those who take certain steps in cases of emergency or grave danger. The Agencies are made responsible by regulation 19 for supervising activities and persons subject to the Regulations. Insofar as they relate to provisions which implement Community obligations (as stated in this Note), these provisions are part of that implementation because their purpose is to make the implementation effective.

Regulation 20 makes transitional provision for applications for certificates of technical competence under the Waste Management Licensing Regulations 1994 (S.I. 1994/1056 as amended) where such applications were made before 1st March 1997 where the applicant was licensed to deal with special waste before the change in definition made by these Regulations. This provision does not implement a Community obligation.

Regulations 21 to 26 and Schedule 3 make consequential amendments to, and revocations and saving in respect of, other legislation. Regulation 21 makes consequential amendment to regulations implementing Directive [85/337/EEC](#). Regulation 25 makes consequential amendment to the Waste Management Licensing Regulations 1994. Parts of those Regulations, in particular Schedule 4, implement Community obligations. Regulations 22, 23, 24 and 26 do not implement Community obligations.

A compliance cost assessment in respect of these Regulations may be obtained from Waste Policy Division (Branch 3), Department of the Environment, Room A 231, Romney House, 43 Marsham Street, London SW1P 4U. A copy has been placed in the library of each of the Houses of Parliament.]

**Changes to legislation:**

There are currently no known outstanding effects for the The Special Waste Regulations 1996.