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STATUTORY INSTRUMENTS

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**2007 No. 1711**

**The Transfrontier Shipment of Waste Regulations 2007**

**PART 1**

**Introduction**

**Title and commencement**

1. These Regulations may be cited as the Transfrontier Shipment of Waste Regulations 2007 and come into force on 12th July 2007.

**Application**

2.—(1) For the purposes of these Regulations, the following (“the marine area”) shall be considered as part of the United Kingdom—

- (a) the territorial sea adjacent to the United Kingdom;
- (b) the area on the landward side of the baselines that is submerged at mean high water springs, including, so far as the tide flows at mean high water springs, an estuary or arm of the sea and the waters of any channel, creek, bay or river;
- (c) the seabed and subsoil situated within the areas designated by Order in Council under section 1(7) of the Continental Shelf Act 1964(1); and
- (d) the waters superjacent to the seabed and the seabed and its subsoil situated within the areas designated by Order in Council under section 84(4) of the Energy Act 2004(2).

(2) In this regulation, “baselines” means the baselines from which the breadth of the territorial sea is measured for the purposes of the Territorial Sea Act 1987(3).

**Scope of the Regulations**

3. These Regulations do not apply to the transit of waste occurring only through the marine area.

**Interpretation**

4.—(1) In these Regulations—

“Annex VII document” means the document set out in Annex VII to the Community Regulation;

“authorised person” means a person authorised by a competent authority in accordance with regulation 50(2);

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(1) 1964 c. 29. Areas have been designated under section 1(7) by S.I. 1987/1265, 2000/3062 and 2001/3670. Section 1(7) was amended by paragraph 1 of Schedule 3 to the Oil and Gas (Enterprise) Act 1982 (c.23).  
(2) 2004 c. 20. Areas have been designated under section 84(4) by S.I. 2004/2668.  
(3) 1987 c. 49.

“the Community Regulation” means Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste;

“the marine area” has the meaning given by regulation 2(1);

“notifiable waste” means waste that is subject to the prior written notification and consent procedures of Title II of the Community Regulation, by virtue of any provision of that Regulation;

“waste vessel” means any vessel or any part of any vessel that is in itself waste within the meaning of the Community Regulation.

(2) Expressions used in these Regulations that are also used in the Community Regulation have the same meaning in these Regulations as they have in the Community Regulation.

(3) Any reference in these Regulations to—

- (a) an Article is, save where the context otherwise requires, a reference to an Article of the Community Regulation;
- (b) the Community Regulation is a reference to that Regulation as amended from time to time.

#### **Meaning of transport and person who transports waste**

5.—(1) Any reference in these Regulations to transport includes consigning for transport.

(2) Any reference in these Regulations to a person who transports waste includes the following persons—

- (a) the notifier;
- (b) any transporter of waste, by land or otherwise—
  - (i) into or in the United Kingdom; or
  - (ii) from the United Kingdom;
- (c) any freight-forwarder; or
- (d) any other person involved in the shipment of waste.

#### **Competent authorities of destination and dispatch**

6.—(1) The competent authorities of destination and dispatch for the purposes of the Community Regulation are—

- (a) in England and Wales, the Environment Agency;
- (b) in Scotland, the Scottish Environment Protection Agency;
- (c) in Northern Ireland, the Department of the Environment,

excluding in each case, subject to paragraph (2), the marine area.

(2) The Secretary of State is the competent authority of destination and dispatch for the marine area, except in the case of waste vessels in the area specified in regulation 2(1)(b), where the competent authority is the body in paragraph (1).

#### **Competent authority of transit**

7. The Secretary of State is the competent authority of transit for the United Kingdom for the purposes of the Community Regulation.

## **Correspondent**

8. The Secretary of State is the correspondent for the United Kingdom for the purposes of Article 54.

## **Notices**

9.—(1) Any notice under these Regulations must be in writing.

(2) A notice may be subject to conditions and may be amended, suspended or revoked by notice in writing at any time.

(3) A notice may be served on a person by—

- (a) delivering it to him in person;
- (b) leaving it at his proper address; or
- (c) sending it by post or electronic means to him at his proper address.

(4) Any such notice may—

- (a) in the case of a body corporate, be served on the secretary or clerk of that body;
- (b) in the case of a partnership, be served on a partner or a person having the control or management of the partnership business.

(5) If the person to be served with any such notice has specified an address in the United Kingdom other than his proper address as the one at which he or someone on his behalf will accept notices of the same description as those notices, that address is also to be treated for the purposes of this regulation as his proper address.

(6) For the purposes of this regulation, “proper address” means a person’s last known address, which for the purposes of paragraph (3)(c) includes an e-mail address, except that—

- (a) in the case of a body corporate or its secretary or clerk it is the address of the registered or principal office of that body;
- (b) in the case of a partnership, partner or person having the control or management of the partnership business, it is the principal office of the partnership,

and for the purposes of this paragraph, the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

## **Transitional provisions**

10. Schedule 1 (transitional provisions for shipments to Latvia, Poland, Slovakia, Bulgaria or Romania) has effect.