

Statutory Instrument 2001 No. 3148

The Special Waste (Amendment) (England and Wales) Regulations 2001

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STATUTORY INSTRUMENTS

2001 No. 3148

ENVIRONMENTAL PROTECTION, ENGLAND AND WALES

The Special Waste (Amendment) (England and Wales) Regulations 2001

<i>Made</i>	<i>13th September 2001</i>
<i>Laid before Parliament</i>	<i>20th September 2001</i>
<i>Coming into force</i>	
<i>all provisions other than regulations 10 and 11</i>	<i>1st November 2001</i>
<i>regulation 10</i>	<i>1st December 2001</i>
<i>regulation 11</i>	<i>1st May 2002</i>

The Secretary of State, being a Minister designated^[1] for the purposes of section 2(2) of the European Communities Act 1972^[2] in relation to measures relating to the regulation and control of the transit, import and export of waste (including recyclable materials) and the prevention, reduction and elimination of pollution caused by waste, in exercise of the powers conferred on her by section 2(2) of that Act, sections 34(5) and 62(1) to (3) of the Environmental Protection Act 1990^[3] and all other powers enabling her in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1. - (1) These Regulations may be cited as the Special Waste (Amendment) (England and Wales) Regulations 2001 and shall come into force -

- (a) in the case of all provisions other than regulations 10 and 11, 1st November 2001;
- (b) in the case of regulation 10, 1st December 2001; and
- (c) in the case of regulation 11, 1st May 2002.

(2) Regulations 2 and 12 extend to England and Wales.

(3) Regulations 3 to 11 extend to England only.

Amendment of the Special Waste Regulations 1996

2. The Special Waste Regulations 1996^[4] are amended as follows.

Updated approved classification and labelling guide and approved supply list

3. In regulation 1(4) (interpretation) -

- (a) in the definition of "the approved classification and labelling guide", for "(Second edition)" substitute "(Fourth Edition)", and for "18th October 1994" substitute "12th October 1999"; and
- (b) in the definition of "the approved supply list"^[5], for "(3rd Edition)" substitute "(Sixth edition)", and for "24th January 1996" substitute "15th August 2000".

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

4. In regulation 6(1)(e) (consignment notes: cases in which pre-notification is not required), omit "motor vehicle".

Consignment notes: procedure where pre-notification is not required

5. In regulation 7 (consignment notes: procedure where pre-notification is not required), insert after paragraph (a) -

"(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;"

Consignment notes: carrier's rounds

6. In regulation 8 (consignment notes: carrier's rounds) -

- (a) in paragraph (1)(d), for "24 hours" substitute "72 hours"; and
- (b) in paragraph (2)(a)(ii), omit "motor vehicle".

Consignment notes: duty of consignee not accepting delivery of a consignment

7. In regulation 10(3)(c) (consignment notes etc.: duty of consignee not accepting delivery of a consignment), after "regulation 8" insert "(annotated to show which consignment is not accepted)".

Consignment notes: rejected consignments

8. After regulation 10 insert -

" 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."

Fees

9. In regulation 14(fees) -

(a) in paragraph (1), for "of-(a)" to "other cases", substitute

" prescribed for the purposes by a charging scheme under section 41 of the Environment Act 1995[6]";

(b) omit paragraph (2)(a)(i); and

(c) in paragraph (2)(a)(iii), after "each round" insert "in the succession".

Form of consignment note

10. In Part I of Schedule 1 (form of consignment note) -

(a) in Part B of the form, for "The chemical/biological components that make the waste special" substitute "The chemical/biological components of the waste";

(b) in Part C of the form, for "(name & address)" substitute "(name, address & postcode)"; and

(c) in Part E of the form, after "I received this waste" and after "the waste described in B", insert "at the address given in A2".

Carrier's schedule

11. For Part II of Schedule 1, (carrier's schedule) substitute -

" PART II

FORM OF SCHEDULE

<i>SPECIAL WASTE REGULATIONS 1996:</i>		<i>Consignment Note No</i>	
<i>CARRIER'S SCHEDULE</i>		<i>Sheet of</i>	
Name, address & postcode of premises 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 address given here and will take it to the address 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 of premises 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 address given here and will take it to the address 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 of premises 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 address given here and will take it to the address 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	"

Schedule 2 - interpretation

12. In Part IV[7] of Schedule 2 (rules for the interpretation of Schedule 2) -

- (a) in paragraph 1, for "Directive 92/69/EEC" substitute "Directives 92/69/EEC, 93/21/EEC[8], 96/54/EEC[9], 98/73/EC[10], 2000/32/EC[11], 2000/33/EC[12]"; and
- (b) in paragraph 2(i), for "Part V" substitute "Part I".

Signed by authority of the Secretary of State for Environment, Food and Rural Affairs

Michael Meacher
Minister of State, Department for Environment, Food and Rural Affairs

13th September 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Special Waste Regulations 1996 ("the Principal Regulations"). Regulation 2 introduces the amendments set out in regulations 3 to 12, of which those in regulations 3 to 11 extend to England only.

Regulation 3 updates references in regulation 1 of the Principal Regulations to the current editions of the approved classification and labelling guide and the approved supply list under the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994. The 1994 Regulations have most recently been amended by the Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 2000 [S.I. 2000/2381] and copies of the new (Fourth) edition of the approved labelling guide and of the new (Sixth) edition of the approved supply list may be obtained from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA.

Regulation 4 amends regulation 6(1) of the Principal Regulations by removing the "motor vehicle" battery limitation in respect of loads of lead acid batteries for which pre-notification is not required.

Regulation 5 amends regulation 7 of the Principal Regulations so that for a second and subsequent consignments in a succession of consignments of special waste the code identifying the first consignment in that succession must be entered on the consignment note in addition to the relevant code for the consignment in question.

Regulation 6(a) amends regulation 8(1)(d) of the Principal Regulations by extending from 24 hours to 72 hours the time in which a carrier's round must be completed. Regulation 6(b) removes the "motor vehicle" battery limitation from the lead acid battery loads exception in regulation 8(2)(ii) of the Principal Regulations from the requirement to provide the Agency for the place of delivery with a copy of the consignment note before the removal of the first waste on the round.

Regulation 7 amends regulation 10(3)(c) of the Principal Regulations so as to require that, where a consignee rejecting a delivery has received a consignment note, the copy of any carrier's schedule which he forwards to the Agency for the new destination is annotated to indicate which loads are not accepted.

Regulation 8 inserts a new regulation 10A. Regulation 10A provides that a new consignment note must be prepared where a consignment is rejected by the consignee and is redirected to premises other than those from which they were collected or where they had been produced and sets out the procedure to be followed for the new consignment note. It also allows a carrier to sign Part D of the consignment note where he has the written authority of the consignor.

Regulation 9(a) amends regulation 14(1) of the Principal Regulations so that fees are set by the Agency in a charging scheme under section 41 of the Environment Act 1995, rather than by the Secretary of State. Regulation 9(b) amends regulation 14(2)(a) by removing the first condition for a second or subsequent carrier's round in a succession of rounds to be exempted from payment of a fee for the assignment of a code (that the carrier is also the consignee in relation to every consignment in all the rounds). Regulation 9(c) amends the conditions in regulation 14(2)(a)(iii) of the Principal Regulations by making it clear that the

total weight limit of 400kg applies to each round in the succession.

Regulation 10 makes minor amendments to Parts B, C and E of the prescribed form of consignment note in Schedule 1 to the Principal Regulations.

Regulation 11 substitutes a new prescribed form of carrier's schedule in Schedule 1 to the Principal Regulations. Additional information required is the postcode of the address of origin, the time of the carrier's signature, and a description of waste removed.

Regulation 12 makes changes to references in the Rules for the Interpretation of Schedule 2 of the Principal Regulations to encompass amendments to Council Directive 67/548/EEC on the Classification, Packaging and Labelling of Dangerous Substances.

Notes:

[1] S.I. 1993/2661 and 1992/2870.[back](#)

[2] 1972 c. 68.[back](#)

[3] 1990 c. 43; section 62 was amended by paragraph 80 of Schedule 22 to the Environment Act 1995 (c. 25). The powers conferred by sections 34(5) and 62(1) to (3) are exercisable by the Secretary of State only in relation to England; *see* article 2 of, and the entries relating to the Environmental Protection Act 1990 in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). As to the continued exercise of the Secretary of State's functions for the purpose of implementing any Community obligation of the United Kingdom: *see* paragraph 5 of Schedule 3 to the Government of Wales Act 1998 (c. 38).[back](#)

[4] S.I. 1996/972 relevant amending instruments are S.I. 1996/2019, 1997/251.[back](#)

[5] The definition of approved supply list was amended by paragraph 2 to the Schedule to S.I. 1996/2019.[back](#)

[6] 1995 c. 25.[back](#)

[7] Part IV was added by S.I. 1996/2019.[back](#)

[8] OJ No. L 110, 04.05.1993, p. 20-21.[back](#)

[9] OJ No. L 248, 30.09.1996, p. 1-230.[back](#)

[10] OJ No. L 305, 16.11.1998, p. 1-181 as amended by OJ No. L 285, 08.11.1999, p. 1.[back](#)

[11] OJ No. L 136, 08.06.2000, p. 1.[back](#)

[12] OJ No. L 136, 08.06.2000, p. 90.[back](#)

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