

# Guidance for Amendments to Special Waste Regulations

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Guidance for Amendments to Special Waste Regulations



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# INTRODUCTION

## 1. What is special waste?

1.1 Special wastes include hazardous or toxic wastes and most are listed in *The Special Waste Regulations 1996* (which from here on we will refer to as “the principal regulations”).

## 2. Who should read this guidance?

2.1 Anybody who uses chemicals, products with hazard symbols and/or safety data sheets and who produces waste should read this guidance, as they may be producing special waste. Anybody else who has to dispose of, carry, keep or treat such wastes should also read this guidance, as should special waste brokers and regulators.

## 3. What are the amendment regulations for?

3.1 The Government has reviewed a number of the provisions in *The Special Waste Regulations 1996* in the light of the Environment Agency’s operational experience and comments from industry. As a result of this review, the Government has agreed some changes and the amendment regulations put them into effect.

## 4. When do the amendment regulations come into force?

4.1 The amendment regulations will generally come into force on 1 November 2001. However, the amendments to the consignment note in regulation 10 will come into force one month later on 1 December 2001, and those to the carrier’s schedule in Schedule 1 Part II will come into force six months later, on 1 May 2002.

## 5. What is this guidance for?

5.1 This guidance gives background information and interpretation of changes to the arrangements for handling special waste introduced by *The Special Waste (Amendment) Regulations 2001*. It does not, however, include guidance on interpreting *The Special Waste Regulations 1996* as amended by *The Special Waste (Amendment) Regulations 1996* and *The Special Waste (Amendment) Regulations 1997*. You can find guidance on the principal regulations in Department of the Environment Circulars 6/96 and 14/96. You can get copies of these and the regulations they refer to from The Stationery Office (TSO). See ‘more information’ in Annex B.

5.2 The Environment Agency has also produced *Special Wastes: A technical guidance note on their definition and classification*. You can get copies from The Stationery Office. See ‘more information’ in Annex B..Guidance for Amendments to Special Waste Regulation 6

5.3 This guidance is not a substitute for the Statutory Instrument and does not have legal force. However, anyone involved with special waste has a duty to comply with the regulations and other legislation covering issues such as transport and health and safety. Other safety legislation may also apply.

## 6. Definitions

6.1 The following section explains the amendments in more detail. It uses specific terms found in the amendment regulations. A complete list of these terms is in regulation 1 of the principal regulations. However, a brief list of the main terms used in this guidance is at Annex C.

# THE AMENDMENTS

## 7. Updated information

### KEY POINTS

- **Updated *Approved Supply List* and *Approved Classification and Labelling Guide*.**

7.1 Amendment regulation 3 amends regulation 1(4) of the principal regulations to update references to the latest versions of the *Approved Classification and Labelling Guide* and *Approved Supply List*. The latest versions are the fourth edition of the *Approved Classification and Labelling Guide* and the sixth edition of the *Approved Supply List*. The Health and Safety Commission approved the revised version of the *Approved Classification and Labelling Guide* on 12 October 1999. The *Chemicals (Hazard Information and Packaging for Supply)(Amendment) No. 2 Regulations 1999* gave it legal effect. The Health and Safety Commission approved the revised *Approved Supply List* on 15 August 2000 and the *Chemical (Hazard Information and Packaging for Supply) (Amendment) Regulations 2000* gave it legal effect.

## 8. Consignment notes – provision of earlier codes

### KEY POINTS

- **Code of first consignment in succession to be shown.**

8.1 It is imperative that an audit trail for successions is available and enforceable. Regulation 8(2)(b)(ii) already requires that the consignment note shows the code for the first round in a succession of carrier's rounds. Amendment Regulation 5 now changes regulation 7 of the principal regulations to *require* that the code for the first consignment note in the succession be shown on all subsequent consignment notes relating to successions under regulation 6(1).

## 9. Consignments consisting entirely of lead acid batteries

### KEY POINTS

- **All lead acid batteries to be exempt from requirement to pre-notify.**
- **Lower fee extended to all consignments of lead acid batteries.**

9.1 Consignments consisting entirely of lead acid motor vehicle batteries have attracted a lower fee of £10 under regulation 14 of the principal regulations. They have also been exempt from the requirement to pre-notify (under regulations 6 and 8). The Government will now extend these arrangements to all lead acid batteries, not just those from motor vehicles. Amendment regulations 4 and 6(b) set out the extension of the pre-notification exemption. Amendment regulation 9(a) allows fees to be set by a charging scheme under section 41 of the Environment Act 1995. The fee for all lead acid batteries will be set by the Environment Agency through a charging scheme.

## 10. Time limit for completing a carrier's round

### KEY POINTS

- **Time limit for completing a carrier's round extended to 72 hours.**

10.1 The carrier's round procedure allows a carrier, subject to certain conditions, to pick up waste from a number of premises without having to pre-notify for the second or subsequent consignment in the round. It also allows the carrier to pay a single fee. However, the carrier must meet certain conditions. Regulation 8(1)(d) of the principal regulations restricted to 24 hours the maximum time between collection of the first consignment in the round and delivery of the waste to the consignee. Businesses operating over any distance have found this timescale restrictive. Amendment regulation 6(a) therefore extends it to 72 hours.

## 11. Rejected loads

### KEY POINTS

- **New requirement to annotate carrier's schedules to show which consignments have not been accepted.**
- **New consignment notes to be raised for rejected loads diverted to alternative premises holding an appropriate waste management licence.**

11.1 Where a consignee rejects a load, he must follow regulation 10 of the principal regulations. This means that he must complete the original consignment note to show that he has not accepted the consignment and say why not. The consignee should send one copy of this note to the Environment Agency, together with a copy of the carrier's schedule (if the rejected load is part of a carrier's round). Amendment regulation 7 states that the carrier's schedule must be annotated to show which consignments the consignee has not accepted. The consignee should also return one copy of the consignment note and schedule to the carrier and keep one copy. Where the consignor has not given a copy of the consignment note to the consignee, then the consignee must explain in writing why he rejected the load, in accordance with regulation 10(4). In accordance with regulation 10(5), carriers must also tell the Environment Agency when consignments have been rejected and ask the consignor to specify an alternative place of delivery. The consignor may propose delivery to:

- (a) the premises from which the carrier had collected it; or
- (b) the premises at which it was produced; or
- (c) other premises that hold any waste management licence allowing it to receive the waste.

11.2 The audit trail is inadequate where all or part of a rejected load is delivered to alternative premises holding a waste management licence necessary to authorise the receipt of the waste. Amendment regulation 8 therefore requires a carrier to obtain a new consignment note and pay the usual fee in these circumstances. Rejected loads returned to the premises where they had been picked up or produced can still travel under the original consignment note.

11.3 Amendment regulation 8 sets out the procedures for the new consignment note. Essentially, four copies of the note must be prepared. (Normally this will be done by either the consignor or the carrier). Parts A and B must be completed, showing the relevant code and the code for the previous (rejected) consignment. A copy of any previous carrier's schedule, annotated to show which consignment/s were not accepted, must be attached to each copy of the new consignment note. The consignor normally completes part D of a consignment note. However, this may be impractical where a load has been rejected, particularly where the load is some distance from the consignor's premises. Amendment regulation 8(3) provides that, where the carrier has received written permission from the consignor, he may complete Part D. Written instructions sent by fax or e-mail are acceptable. Once Parts A and B are complete, the carrier must complete Part C. The consignor must keep one copy of the consignment note (where the carrier has completed Parts A and B, he must send a copy of the new consignment note to the consignor) and the remaining three copies must travel onwards with the load and be given to the consignee. The consignee must deal with these notes in the same way as any other consignment note. If he accepts the load, he must complete Part E on each copy, keep one, give one to the carrier and send one to the Environment Agency. The carrier must keep the copy of the consignment note given to him by the consignee.

11.4 Where a number of consignments on a carrier's round are rejected and each consignor decides that their consignment should go to different alternative premises, they must prepare separate consignment notes for each destination. A copy of any previous carrier's schedule, annotated to show which consignments were rejected must be attached to each copy of the consignment note.

## 12. Fees

### KEY POINTS

- **Fees to be set by an Environment Agency charging scheme.**
- **Lower fee extended to all lead acid batteries.**
- **Conditions for concessionary fee arrangements for a succession of carrier's rounds modified, so that the carrier no longer needs to be the consignee.**
- **Clarification that conditions set out for such rounds apply to the first round as well as to subsequent rounds.**

12.1 Regulation 14 of the principal regulations requires that fees be paid to the Environment Agency where it assigns a code to the consignment under regulation 4.

12.2 Section 41 of the Environment Act 1995 gave the Environment Agency powers to set fees for special waste under a charging scheme. However, when the 1996 Regulations were made, the Agency was not ready to use these powers. The regulations therefore specified the fee levels.

12.3 The Agency established a charging scheme from 1 April 2001. Amendment regulation 9(a) therefore provides that the fees specified in regulation 14(1) (a) and (b) of the principal regulations are replaced by fees prescribed for the purposes by a charging scheme under section 41 of the Environment Act 1995. The Agency has indicated that, pending the further review of the regulations, the fees will be as set out below:

(a) £10.25 for codes relating to a consignment or round which consists entirely of lead acid batteries and

(b) £15.40 in other cases.

12.4 Regulation 14(2) of the principal regulations says that only one fee is required for a series of carrier's rounds over a seven day period, subject to certain conditions. One of these conditions – regulation 14(2)(a)(i) – was that the carrier was also the consignee for every consignment. However, this was found to penalise some small businesses that could otherwise have complied with the regulations. Amendment regulation 9(b) has removed it. Regulation 14(2) has also been amended to make it quite clear that all the conditions set out in the regulations apply to the first carrier's round as well as to a second or subsequent round. (See amendment regulation 9(c).) The conditions are that the carrier does not:

- collect more than one consignment from any consignor during the succession;
- collect more than 400kg of special waste in each round. Note that a vehicle can collect only one round at a time in order to qualify for this fee exemption;
- take more than one week between collecting the first consignment on the first round in the succession and delivering the last consignment to the consignee.

## 13. Form of consignment note

### KEY POINTS

- **To come into force on 1 December 2001**
- **Clarification that all biological and chemical components of the waste are to be listed.**
- **Carrier to state postcode.**
- **Clarification that reference number of waste management licence, authorisation or exemption is for site where waste being consigned.**

13.1 The standard form of the consignment note is set out in Part 1 of Schedule 1 to the principal regulations.

13.2 Part B6 requires the person consigning the waste or the carrier to list all the biological and chemical components of the waste. However, there have been a number of cases where they have only listed the hazardous components. Amendment regulation 10(a) changes the wording of section B6 to make it clear that all components must be listed.

13.3 Part C of the note requires details of the carrier's company name and address. The amendments specify that the carrier must also state their postcode – see regulation 10(b). This brings it into line with Part A of the form, which requires postcodes for both consignor and consignee.

13.4 To accept the waste described in Part B of the form, consignees must have a waste management licence, authorisation or exemption. This must authorise them to manage the waste described at the site to which it is being consigned. The reference number of the licence, authorisation or exemption must be shown in Part E of the consignment note. Consignees may not quote the number of a document relating to a site other than the one to which the waste has been consigned. Amendment regulation 10(c) alters the wording of Part E to make this clear.

## 14. Format of the carrier's schedule

### KEY POINTS

- **To come into force on 1 May 2002.**
- **To provide space on the schedule for separate entries where waste of more than one description is specified in the consignment note.**
- **Requirement for postcode to be shown for place from which waste removed.**

14.1 The carrier's schedule set out in Part II of Schedule I is out of date. *The Special Waste (Amendment) Regulations 1996* require that there are separate entries where waste of more than one description is specified in the consignment note. Amendment regulation 13 replaces the original carrier's schedule with a new one that allows for separate entries. Carriers must also give a postcode for the place from which they removed waste, to ensure consistency with the consignment note and must show the time that the schedule was signed. The new schedule may be used until 1 May 2002, so that carriers can use up their existing stocks of schedules.

## 15. Test methods to decide whether waste is special

### KEY POINTS

- **Updated version of Annex V to Council Directive 67/548/EEC, which gives test methods to determine the hazardous properties of substances not on the *Approved Supply List*.**

15.1 Part IV of Schedule 2 was created by *The Special Waste (Amendment) Regulations 1996*. Paragraph 1 describes the methods that should be used to test which hazardous properties (if any) a particular substance not listed in the *Approved Supply List* has. The test methods given in the principal regulations are described in Annex V to Council Directive 67/548/EEC, as amended by Commission Directive 92/69/EEC. Annex V has been amended by Commission Directives:

- 93/21/EEC;
- 96/54/EC;
- 98/73/EC;
- 2000/32/EC; and
- 2000/33/EC.

Amendment regulation 12(a) updates these references.

15.2 Paragraph 2 (i) of Part IV explains that references in Part III of the Schedule to the hazardous nature of substances appearing on the *Approved Supply List* are based on Part V of that list. The format of the *Approved Supply List* has changed and Part V is now Part I. Amendment regulation 12(b) amends paragraph 2 of the principal regulations to refer to Part I.

# ANNEX A

## The Environment Agency and other contacts

### **THE ENVIRONMENT AGENCY**

Special Waste Unit  
Olton Court  
10 Warwick Road  
Olton  
Solihull  
West Midlands  
B92 7HX  
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# ANNEX B

## More information

*Special Wastes: A technical guidance note on their definition and classification*  
The Stationery Office, price £125.

*DOE Circular 6/96 on the Special Waste Regulations 1996*  
The Stationery Office, price £16.

*DOE Circular 14/96 on the Special Waste (Amendment) Regulations 1996*  
The Stationery Office, price £3.95.

*The Special Waste Regulations 1996 SI 1996 No. 972*  
The Stationery Office, price £5.60.

*The Special Waste (Amendment) Regulations 1996 SI 1996 No. 2019*  
The Stationery Office, £1.10.

*The Special Waste (Amendment) Regulations 1997 SI 1997 No. 251*  
The Stationery Office, price 65p.

*The Special Waste (Amendment) (England & Wales) Regulations 2001 SI 2001 No. 3148*  
The Stationery Office, price £2.00

# ANNEX C

## Definitions

<b>Word</b>	<b>Explanation</b>
Carrier	The person who collects special waste from where it is held and transports it to another place.
Consignor	The person who causes the special waste to be removed from where it was being held.
Consignee	The person to whom the special waste is transported.
Carrier's round	A journey made by the carrier during which he collects more than one consignment of special waste and transports all the waste to the same consignee.
Consignment note	A note in the form set out in the regulations, which travels with the waste and gives details of the consignment.
Carrier's schedule	A schedule in the form set out in the regulations, which travels with the consignment and details the type and quantity of the waste and who it was collected from.