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STATUTORY INSTRUMENTS

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**1988 No. 1562**

**PUBLIC HEALTH, ENGLAND AND  
WALES PUBLIC HEALTH, SCOTLAND**

**The Transfrontier Shipment of  
Hazardous Waste Regulations 1988**

*Made - - - - 8th September 1988*

*Laid before Parliament 14th September 1988*

*Regulations 3 to 18 and 30 14th November 1988*

*Remainder 14th October 1988*

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, in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972<sup>(1)</sup>, being the Ministers designated<sup>(2)</sup> for the purposes of that subsection in relation to the regulation and control of the transit, import and export of waste (including recyclable materials) which is dangerous or which requires the taking of special precautions and in relation to anything supplemental or incidental to those matters, and of all other powers enabling them in that behalf, hereby make the following Regulations:—

**PART I  
GENERAL**

**Citation and commencement**

1. These Regulations may be cited as the Transfrontier Shipment of Hazardous Waste Regulations 1988 and shall come into force as follows—

- (a) regulations 3 to 18 and 30 shall come into force on 14th November 1988;

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(1) 1972 c. 68.  
(2) S.I.1985/1195.

- (b) this regulation and the remaining provisions of these Regulations shall come into force on 14th October 1988.

## Interpretation and application

2.—(1) In these Regulations, except where the context otherwise requires—

“acknowledgement” means an acknowledgement under Article 4 of the Directive, and “acknowledged” shall be construed accordingly;

“carrier” means any person who transports a consignment;

“completed” means, in the case of a consignment note, completed in accordance with the instructions for filling in the form of note set out in Annex IV to Commission Directive [85/469/EEC](#)(3), and in the case of a uniform document, completed in accordance with the instructions on that document, and “complete” shall be construed accordingly;

“consignee” means the person to whom a consignment is transported for disposal;

“consignment” means a quantity of hazardous waste that is intended to be, is being, or has been transported from one state to another without its being divided or added to;

“consignment note” means a consignment note printed in accordance with Annex III to Commission Directive [85/469/EEC](#) and, in relation to such a note, “copy 1”, “copy 2” and “copy 3” mean respectively the copies of the note so numbered and entitled “copy for the authority issuing the acknowledgement”, “copy for the holder of the waste” and “copy accompanying the waste”;

“disposal authority” means a disposal authority for the purposes of the waste regulation provisions of the 1974 Act;

“Directive” means Council Directive [84/631/EEC](#) on the supervision and control within the European Community of the transfrontier shipment of hazardous waste(4);

“hazardous waste” means “special waste” as defined in the Control of Pollution (Special Waste) Regulations 1980(5), other than waste that is special waste solely because—

- (a) it consists of, or contains any of, the substances listed in the Schedule hereto; or
- (b) it is such a medicinal product as is mentioned in regulation 2(1)(b) of those Regulations;

“holder” means the person having a consignment in his possession or control immediately before it is transported from the premises at which it is produced or stored;

“Member State” means a state, other than the United Kingdom, that is a member of the Communities;

“Member State of destination” means the Member State in which a consignment is, or is to be, disposed of;

“Member State of dispatch” means the Member State in which a consignment originates;

“Member State of transit” means any Member State through which a consignment is, or is to be, transported for disposal in another state;

“non-ferrous metal consignment” means a consignment that is, or is to be, transported for the purpose of enabling its non-ferrous metal content to be re-used, regenerated or recycled;

“objection” means an objection under Article 4 of the Directive, and “object” shall be construed accordingly;

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(3) OJ No. L272, 12.10.1985, p.1, as amended by Commission Directive [87/112/EEC](#) (OJ No. L48, 17.2.1987, p.31).

(4) OJ No. L326, 13.12.1984, p.31 as amended by Council Directive [86/279/EEC](#) (OJ No. L181, 4.7.1986, p.13), and as adapted to technical progress by Commission Directive [85/469/EEC](#) and Commission Directive [87/112/EEC](#).

(5) S.I. [1980/1709](#).

“port” means seaport or airport;

“third state” means a state that is not a member of the Communities;

“third state of destination” means the third state in which a consignment is, or is to be, disposed of;

“third state of dispatch” means the third state in which a consignment originates;

“third state of transit” means any third state through which a consignment is, or is to be, transported for disposal in another state;

“uniform document” means a uniform document printed in accordance with Annex III to Commission Directive [85/469/EEC](#) and, in relation to such a document, “copy 1”, “copy 2”, “copy 3” and “copy 4” mean respectively the copies of the document so numbered and entitled “copy for the consignee of the waste”, “copy for the competent authority”, “copy for the holder of the waste” and “copy for the competent authority”;

“the 1974 Act” means the Control of Pollution Act 1974<sup>(6)</sup>.

(2) Any reference in these Regulations to the competent authority of a Member State is a reference to the authority designated by that Member State under Article 16 of the Directive.

(3) Where, under these Regulations, anything is to be done by or to a third state, it shall be done by or to either the government of that state, or by or to the authority in that state specified by that government.

(4) Other expressions used in these Regulations shall, unless the contrary intention appears, have the meaning they bear in Part I of the 1974 Act.

(5) These Regulations do not apply to the transferring from a ship to land of waste produced during the normal operation of that ship.

## PART II

### DUTIES OF HOLDERS OF HAZARDOUS WASTE

#### **Consignment to a Member State: single consignment**

**3.** Subject to regulations 4 and 5, a holder shall not transport, or cause or permit to be transported, a consignment of hazardous waste from Great Britain to a destination in a Member State, unless, before the consignment is removed from the premises at which it was produced, or at which it is stored, he has—

- (a) entered into a contract with the consignee for the disposal of the consignment;
- (b) sent to the competent authority of the Member State of destination a completed consignment note relating to the transport of the consignment;
- (c) sent a photocopy of the completed copy 1 of the note to—
  - (i) the disposal authority for the area in which the consignment is currently located;
  - (ii) the disposal authority for the area in which is situated the port through which the consignment is to leave Great Britain;
  - (iii) the Department of the Environment for Northern Ireland, where the consignment is to be transported through Northern Ireland;
  - (iv) the competent authority of any Member State of transit; and
  - (v) any third state of transit;

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<sup>(6)</sup> 1974 c. 40.

- (d) received acknowledgement of the consignment note from the competent authority referred to in paragraph (b);
- (e) either—
  - (i) been informed by the disposal authority referred to in paragraph (c)(i) that it makes no objection under regulation 22; or
  - (ii) received no objection from that disposal authority within the period of 20 days from the date on which a photocopy of copy 1 of the consignment note was received by that authority;
- (f) completed copy 3 of the acknowledged consignment note and sent a photocopy of it to each of the relevant persons mentioned in paragraphs (b) and (c); and
- (g) given the completed copy 3 to the carrier.

#### **Multiple consignments to a Member State**

4.—(1) Where a holder intends, within any period of twelve months, to transport, or to cause or permit to be transported, more than one consignment of hazardous waste from Great Britain to a Member State of destination and—

- (a) each consignment will consist of hazardous waste having essentially the same physical and chemical characteristics;
- (b) each consignment is to be transported to the same consignee;
- (c) entry is to be made with Her Majesty's Commissioners of Customs and Excise at the same port in respect of each consignment; and
- (d) clearance is to be sought for each consignment at the same customs office of entry in the Member State of destination and in any Member State of transit, and at the same customs office of exit from any Member State of transit,

regulation 3 shall not apply if, before the first consignment is removed from the premises at which it was produced, or at which it is stored, the holder has complied with the requirements of paragraph (2), and if, before each consignment is removed from the premises at which it was produced, or at which it is stored, the holder has complied with the requirements of paragraph (3).

(2) The requirements of this paragraph are that the holder has—

- (a) entered into a contract with the consignee for the disposal of all the consignments;
- (b) sent to the competent authority of the Member State of destination a consignment note, which comprises copies 1 and 2 completed with respect to the transport of all the consignments, and separate forms of copy 3 completed as respects each of the proposed consignments;
- (c) sent a photocopy of the completed copy 1 of the note to—
  - (i) the disposal authority for any area in which the consignments are, or will be, located immediately before being transported;
  - (ii) the disposal authority for the area in which is situated the port through which the consignments are to leave Great Britain;
  - (iii) the Department of the Environment for Northern Ireland, where the consignments are to be transported through Northern Ireland;
  - (iv) the competent authority of any Member State of transit; and
  - (v) any third state of transit;
- (d) received acknowledgement of the consignment note from the competent authority referred to in sub-paragraph (b);

- (e) either—
  - (i) been informed by the disposal authority or by each of the disposal authorities mentioned in sub-paragraph (c)(i) that it makes no objection under regulation 22; or
  - (ii) received no such objection from any such disposal authority within the period of 20 days from the date on which a photocopy of copy 1 of the consignment note was received by that authority; and
- (f) complied with any conditions as to the supply of information about the consignments imposed under Article 5(2) of the Directive by—
  - (i) the competent authority of the Member State of destination; or
  - (ii) the competent authority of any Member State of transit.
- (3) The requirements of this paragraph are that the holder has—
  - (a) completed the appropriate copy 3 of the acknowledged consignment note and sent a photocopy of it to each of the relevant persons mentioned in paragraph (2)(b) and (c); and
  - (b) given the appropriate completed copy 3 to the carrier.

#### **Exception for certain consignments containing non-ferrous metal to Member States**

5. Where a holder intends to transport, or to cause or permit to be transported, a non-ferrous metal consignment from Great Britain to a destination in a Member State, regulation 3 shall not apply if, before the consignment is removed from the premises at which it was produced or at which it is stored, he has—

- (a) entered into a contract with the consignee with respect to the re-use, regeneration or recycling of the non-ferrous metal content of the consignment;
- (b) made a declaration to this effect on a uniform document;
- (c) otherwise completed the uniform document;
- (d) sent the completed copy 4 to the competent authority of the Member State of destination; and
- (e) given completed copies 1 and 2 to the carrier.

#### **Consignment to a third state: single consignment**

6. Subject to regulations 7 and 8, a holder shall not transport, or cause or permit to be transported, a consignment of hazardous waste from Great Britain to a destination in a third state unless, before the consignment is removed from the premises at which it was produced, or at which it is stored, he has—

- (a) obtained the agreement of that state to the receipt of that consignment in that country for disposal;
- (b) entered into a contract with the consignee for the disposal of the consignment;
- (c) sent a completed consignment note relating to the transport of the consignment—
  - (i) where the consignment will pass through one or more Member States of transit, and that state or the last of those states exercises, under Article 4(2) of the Directive, the right to acknowledge such consignment notes or to object, to the competent authority of that state; or
  - (ii) in any other case, to the Secretary of State;
- (d) sent a photocopy of the completed copy 1 of the note to—
  - (i) where paragraph (c)(i) applies, the Secretary of State;

- (ii) the disposal authority for the area in which is situated the port through which the consignment is to leave Great Britain;
- (iii) where the consignment is to be transported through Northern Ireland, the Department of the Environment for Northern Ireland;
- (iv) the competent authority of any Member State of transit;
- (v) any third state of transit; and
- (vi) the third state of destination;
- (e) received acknowledgement of the consignment note from the person to whom the completed note was sent in accordance with paragraph (c);
- (f) where paragraph (c)(i) applies, either—
  - (i) been informed by the Secretary of State that he has no objection; or
  - (ii) received no objection from him within the period of 20 days from the date on which he received a photocopy of copy 1 of the consignment note;
- (g) completed copy 3 of the acknowledged consignment note and sent a photocopy of it to each of the relevant persons mentioned in paragraphs (c) and (d); and
- (h) given the completed copy 3 to the carrier.

#### **Multiple consignments to a third state**

7.—(1) Where a holder intends, within any period of twelve months, to transport, or to cause or permit to be transported, more than one consignment of hazardous waste from Great Britain to a third state of destination and—

- (a) each such consignment will consist of hazardous waste having essentially the same physical and chemical characteristics;
- (b) each consignment is to be transported to the same consignee;
- (c) entry is to be made with Her Majesty's Commissioners of Customs and Excise at the same port in respect of each consignment; and
- (d) where the consignments are to be transported through any Member State of transit, clearance is to be sought at the same customs office of exit from that Member State,

regulation 6 shall not apply if, before the first consignment is removed from the premises at which it was produced, or at which it is stored, the holder has complied with the requirements of paragraph (2), and if, before each consignment is removed from the premises at which it was produced, or at which it is stored, the holder has complied with the requirements of paragraph (3).

- (2) The requirements of this paragraph are that the holder has—
  - (a) obtained the agreement of the third state of destination to the receipt of all the consignments in that country for disposal;
  - (b) entered into a contract with the consignee for the disposal of all the consignments;
  - (c) sent a consignment note, which comprises copies 1 and 2 completed with respect to the transport of all the consignments, and separate forms of copy 3 completed as respects each of the proposed consignments,
    - (i) where the consignments will pass through one or more Member States of transit, and that state or the last of those states exercises, under Article 4(2) of the Directive, the right to acknowledge such consignment notes or to object, to the competent authority of that state; or
    - (ii) in any other case, to the Secretary of State;

- (d) sent a photocopy of copy 1 of the completed consignment note to—
    - (i) where sub-paragraph (c)(i) applies, the Secretary of State;
    - (ii) the disposal authority for the area in which is situated the port through which the consignments are to leave Great Britain;
    - (iii) where the consignments are to be transported through Northern Ireland, the Department of the Environment for Northern Ireland;
    - (iv) the competent authority of any Member State of transit;
    - (v) any third state of transit; and
    - (vi) the third state of destination;
  - (e) received acknowledgement of the consignment note from the person to whom the completed consignment note was sent in accordance with sub-paragraph (c);
  - (f) where sub-paragraph (c)(i) applies, either—
    - (i) been informed by the Secretary of State that he has no objection; or
    - (ii) received no objection from the Secretary of State within the period of 20 days from the date on which he received a photocopy of copy 1 of the consignment note; and
  - (g) complied with any conditions as to the supply of information about the consignments imposed under Article 5(2) of the Directive by—
    - (i) the competent authority of any Member State of transit; and
    - (ii) where sub-paragraph (c)(ii) applies, the Secretary of State.
- (3) The requirements of this paragraph are that the holder has—
- (a) completed the appropriate copy 3 of the acknowledged consignment note and sent a photocopy of it to each of the relevant persons mentioned in paragraph (2)(c) and (d); and
  - (b) given the appropriate completed copy 3 to the carrier.

#### **Exception for certain consignments containing non-ferrous metal to third states**

**8.** Where a holder intends to transport, or to cause or permit to be transported, a non-ferrous metal consignment from Great Britain to a destination in a third state, regulation 6 shall not apply if, before the consignment is removed from the premises at which it was produced or at which it is stored, he has—

- (a) entered into a contract with the consignee with respect to the re-use, regeneration or recycling of the non-ferrous metal content of the consignment;
- (b) made a declaration to this effect on a uniform document;
- (c) otherwise completed the uniform document;
- (d) sent the completed copy 4 to the disposal authority for the area in which the consignment is currently located;
- (e) sent a photocopy of copy 4 to the competent authority of any last Member State of transit; and
- (f) given completed copies 1 and 2 to the carrier.

#### **Additional duties regarding consignments to third states**

**9.—(1)** This regulation applies to any consignment to which regulation 6 applies and to any consignment in relation to which the holder relies on the exemption provided by regulation 7.

(2) Where regulations 6(c)(ii) or 7(2)(c)(ii) apply, the holder shall notify the Secretary of State in writing within 6 weeks from the date on which the consignment left the area of the Communities—

- (a) of the customs post of exit from the area of the Communities; and
- (b) of the arrival of the consignment at the place of destination stated on the consignment note.

(3) In cases to which paragraph (2) does not apply, the holder shall notify the competent authority of the Member State of transit or, where there are more than one of such States, the competent authority of the last Member State of transit within six weeks from the date on which the consignment left the area of the Communities—

- (a) of the customs post of exit from the area of the Communities; and
- (b) of the arrival of the consignment at the place of destination stated in the consignment note.

### **Retention of documents**

**10.**—(1) A holder shall keep for at least two years from the date of receipt any copy of a consignment note or photocopy thereof sent or given to him or sent by him in accordance with these Regulations or any provision of the law of a Member State giving effect to the Directive.

(2) A holder who sends a uniform document under regulations 5 or 8 shall keep copy 3 of that document for at least two years from the date on which he sent it.

## **PART III**

### **DUTIES OF CONSIGNEES OF HAZARDOUS WASTE**

#### **Acceptance of a consignment**

**11.** Subject to regulation 12, a consignee shall not accept a consignment of hazardous waste transported into Great Britain unless—

- (a) such acceptance is in accordance with a contract he has entered into with the holder; and
- (b) he has received the completed copy 3 of the consignment note which was dispatched with the consignment.

#### **Acceptance of a consignment containing non-ferrous metal**

**12.** Regulation 11 shall not apply where a consignee accepts a non-ferrous metal consignment transported into Great Britain, if—

- (a) such acceptance is in accordance with a contract he has entered into with the holder with respect to the re-use, regeneration or recycling of the non-ferrous metal content of the consignment; and
- (b) he has received the copies 1 and 2 of the uniform document which were dispatched with the consignment.

#### **Notification of acceptance of a consignment**

**13.** A consignee who accepts a consignment, other than a non-ferrous metal consignment shall, no later than 15 days from the date of acceptance, complete the copy 3 of the consignment note which accompanied the consignment and send photocopies of that copy to—

- (a) the holder;



- (b) the competent authority of any Member State or Great Britain indicated on the consignment note as being concerned;
- (c) any third state of dispatch or transit; and
- (d) the Secretary of State.

#### **Notification of acceptance of a consignment containing non-ferrous metal**

**14.** A consignee who accepts a non-ferrous metal consignment shall, no later than 15 days from the date of acceptance—

- (a) declare on copies 1 and 2 of the uniform document that accompanied the consignment that the re-use, regeneration or recycling of the non-ferrous metal content of the consignment will actually be carried out; and
- (b) send the completed copy 2 to the disposal authority for the area in which he received the consignment.

#### **Retention of documents**

**15.—(1)** A consignee shall keep for at least two years from the date of receipt any copy of a consignment note or photocopy thereof sent or given to him in accordance with these Regulations.

(2) A consignee who in accordance with these Regulations receives from a carrier a copy 1 of a completed uniform document shall keep that copy for at least two years from the date of receipt.

## **PART IV**

### **DUTIES OF CARRIERS OF HAZARDOUS WASTE**

#### **Documents carried during transport**

**16.—(1)** A carrier shall not transport any consignment of hazardous waste in Great Britain unless—

- (a) in the case of a consignment other than a non-ferrous metal consignment, it is accompanied by a completed copy 3 of a consignment note relating to the consignment; or
  - (b) in the case of a non-ferrous metal consignment, it is accompanied by completed copies 1 and 2 of a uniform document relating to the consignment.
- (2) A carrier shall not transfer any such consignment to another person in Great Britain without—
- (a) endorsing copy 3 of the consignment note in accordance with the instructions, passing the document to the transferee and retaining a photocopy of the document, or
  - (b) passing on to him copies 1 and 2 of the uniform document.

#### **Notification when consignment leaves Great Britain**

**17.** A carrier intending to transport a consignment other than a non-ferrous metal consignment from Great Britain for disposal in a third state, without the consignment being subsequently transported through another Member State of transit or through Northern Ireland, shall, before the consignment leaves Great Britain, endorse copy 3 of the completed consignment note relating to the consignment, deliver that document to Her Majesty's Commissioners of Customs and Excise at the port from which the consignment is to leave Great Britain and retain a photocopy of that document.

### **Retention of documents**

18. Any carrier who in accordance with these Regulations retains a photocopy of a completed copy 3 of a consignment note shall retain that photocopy for at least two years.

## **PART V**

### **DUTIES OF DISPOSAL AUTHORITIES**

#### **Acknowledgement of or objection to transport of a consignment into Great Britain**

19. Where a disposal authority is notified by way of a consignment note of the transport of one or more consignments of hazardous waste to one or more destinations in Great Britain, it shall, not later than one month after receipt of the note, either—

- (a) enter an acknowledgement on the consignment note, retain copy 1 and return the other copies to the holder; or
- (b) give notice in writing to the holder that it objects to the transport of the consignment under Article 4(3) of the Directive.

#### **Notification of acknowledgement of, or objection to, transport of a consignment into Great Britain**

20. A disposal authority shall forthwith send photocopies of copy 2 of any consignment note it has acknowledged or, as the case may be, of its objection, to—

- (a) the competent authority of any Member State of dispatch;
- (b) the competent authority of any Member State of transit;
- (c) any third state of transit;
- (d) the consignee;
- (e) the Secretary of State;
- (f) the disposal authority for the area in which is situated the port through which the consignment is to be brought into Great Britain; and
- (g) where the consignment is to be transported through Northern Ireland, the Department of the Environment for Northern Ireland.

#### **Removal of objection to transport of a consignment into Great Britain**

21. As soon as a disposal authority which has objected under regulation 19(b) is satisfied that the reason for not issuing an acknowledgement no longer exists, or where the Secretary of State decides on an appeal under regulation 26 that an acknowledgement should be issued, the disposal authority concerned shall forthwith—

- (a) enter an acknowledgement on the relevant consignment note, retain copy 1 of the note and return the other copies to the holder; and
- (b) send photocopies of copy 2 of the note to those persons to whom photocopies of the notice of objection were required to be sent under regulation 20.

### **Objection to transport of a consignment from Great Britain**

22. A disposal authority receiving a photocopy of copy 1 of a consignment note in accordance with regulations 3(c)(i) or 4(2)(c)(i) shall within 20 days of receiving the copy, notify the holder in writing that either—

- (a) it objects to the transport of the consignment under Article 4(6) of the Directive; or
- (b) it has no such objection.

### **Notification of objection to transport of a consignment from Great Britain**

23. The disposal authority shall forthwith send photocopies of any notice of objection under regulation 22 to—

- (a) the competent authority of any Member State of destination;
- (b) the competent authority of any Member State of transit;
- (c) the Secretary of State; and
- (d) where the consignment is to be transported through Northern Ireland, the Department of the Environment for Northern Ireland.

### **Removal of objection to transport of a consignment from Great Britain**

24. As soon as a disposal authority which has objected under regulation 22(a) is satisfied that the reason for its objection no longer exists, or where the Secretary of State decides on an appeal under regulation 26 that no objection should be made, the disposal authority concerned shall forthwith—

- (a) notify the holder in writing that it no longer objects; and
- (b) send copies of the notification to those persons to whom photocopies of the objection were required to be sent under regulation 23.

### **Retention of documents**

25. Any disposal authority that receives in accordance with these Regulations or any provision of the law of a Member State giving effect to the Directive a copy of a consignment note or a uniform document or a photocopy thereof shall, except where otherwise required by regulation 19(a), keep that document for at least two years from the date of receipt.

## **PART VI**

### **APPEALS**

#### **Appeals**

26.—(1) Where a disposal authority objects under regulations 19(b) or 22(a) to the transport of a consignment, the holder or the consignee may, in accordance with this regulation, appeal against the objection to the Secretary of State.

(2) The appellant shall give written notice of the appeal within the period of one month from the date on which the objection is notified to him or within such longer period as the Secretary of State may at any time allow.

(3) A notice of appeal shall contain a statement of the grounds on which the appeal is made.

(4) The appellant shall send to the Secretary of State with the notice of appeal two copies of each of the following documents—

- (a) the objection;
- (b) any disposal licence relevant to the appeal issued in pursuance of section 5 of the 1974 Act; and
- (c) any correspondence or other documents relevant to the appeal.

(5) The appellant shall send to the disposal authority that made the objection a copy of the notice of appeal and a copy of any correspondence or other documents submitted by him to the Secretary of State under paragraph (4)(c).

## PART VII

### OFFENCES

#### **False information with respect to consignment notes and uniform documents**

**27** A holder shall not, with the intention of securing an acknowledgement, avoiding an objection or avoiding the imposition of conditions, send a consignment note or uniform document pursuant to the requirements of these Regulations knowing it to be false in a material particular or being reckless as to whether it is false in a material particular.

#### **Offences and penalties**

**28.—(1)** A holder, carrier or consignee who fails to comply with any provision of these Regulations, other than regulations 10, 15 and 18, shall commit an offence and be liable on summary conviction to a fine not exceeding £2,000 or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(2) Any person who fails to comply with regulations 10, 15 or 18 shall commit an offence and be liable on summary conviction to a fine not exceeding £400.

(3) In any proceedings for an offence under these Regulations, other than regulation 27, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

(4) In any proceedings for an offence under regulation 28(1) for failure to comply with any provision of regulations 3 to 9, 11 to 14, 16 and 17 it shall be a defence for the person charged to prove that he was not reasonably able to comply with the provision concerned by reason of an emergency and that he took all reasonable steps to ensure that the necessary copies of the consignment note or uniform document were completed or furnished or received (as the case may be) as soon as practicable after the event.

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

#### **Offences by corporations**

**29.—(1)** Where an offence under these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be 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 guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) In this regulation, “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under public ownership any industry or part of an industry

or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

## PART VIII AMENDMENTS

### **Amendment of Control of Pollution (Special Waste) Regulations 1980**

**30.** For regulation 7 of the Control of Pollution (Special Waste) Regulations 1980(7) there shall be substituted the following—

“7. These Regulations, except for regulations 14, 15 and 16, shall not apply to consignments of hazardous waste within the meaning of the Transfrontier Shipment of Hazardous Waste Regulations 1988.”.

6th September 1988

*Nicholas Ridley*  
Secretary of State for the Environment

7th September 1988

*Peter Walker*  
Secretary of State for Wales

8th September 1988

*Malcolm Rifkind*  
Secretary of State for Scotland

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

Regulation 2(1)

### EXCEPTED SUBSTANCES

Acids and alkalis arising from uses other than surface treatment and finishing of metals  
 Barium compounds  
 Boron compounds  
 Chlorinated solvents  
 Inorganic halogen-containing compounds  
 Inorganic sulphur-containing compounds, except thiocyanates  
 Nickel and nickel compounds  
 Organic solvents  
 Phosphorus and its compounds  
 Silver compounds  
 Vanadium compounds  
 Zinc compounds

### EXPLANATORY NOTE

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

These Regulations, which apply to England, Wales and Scotland, implement Council Directive No.84/631/EEC, as amended and adapted to technical progress, on the supervision and control within the European Community of the transfrontier shipment of hazardous waste. Such waste is, with certain exceptions, “special waste” as defined in the Control of Pollution (Special Waste) Regulations 1980. The Regulations provide a system of consignment notes and uniform documents to be used by persons who produce, transport and dispose of consignments of hazardous waste.

Regulations 3 to 10 prohibit holders of hazardous waste from commencing, or allowing the commencement of, the transport of a consignment to destinations outside the United Kingdom until such transport has been notified to the appropriate authorities and the relevant competent authority of the appropriate Member State has acknowledged the notification. (Lists of competent authorities for the purposes of the Directive are published in the Official Journal of the European Communities.) Where a number of consignments of hazardous waste having essentially the same physical and chemical characteristics are to be transported within a 12 month period to the same consignee through the same points of exit and entry, regulations 4 and 7 provide for notification of, and acknowledgement by, the appropriate authorities of notifications relating to the series of consignments, rather than to each individual consignment.

Regulations 11 to 15 prohibit the acceptance of a consignment of hazardous waste originating outside the United Kingdom unless it is accompanied by a consignment note. Regulation 13 also requires consignees to notify the relevant authorities of the acceptance of the consignment.

Regulations 16 and 17 prohibit a carrier from transporting a consignment of waste to which the Regulations apply unless the consignment is accompanied throughout its journey by the appropriate documentation.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

In regulations 5, 8, 10(2), 12, 14 and 15(2) provision is made for a simplified notification procedure to be used with respect to hazardous waste the non-ferrous metal content of which is to be recycled, using for this purpose a uniform document rather than a consignment note.

Regulations 19 to 25 require a waste disposal authority that is notified of a consignment of hazardous waste either to acknowledge the notification or to object to the transport of the consignment giving reasons. Such action must be taken within the specified periods.

Regulation 26 lays down the procedure for appealing to the Secretary of State against an objection to the transport of a consignment.

Regulations 27 to 29 make provision with respect to offences.

Regulation 30 amends the Control of Pollution (Special Waste) Regulations 1980.

Consignment notes and uniform documents can be obtained from the Department of the Environment, Room A212, Romney House, 43 Marsham Street, London SW1P 3PY; the Welsh Office, Room 2/081, Cathays Park, Cardiff CF1 3NQ; and the Scottish Development Department, Room 109, 27 Perth Street, Edinburgh EH3 5RB.