

## SCHEDULE 4

### WASTE FRAMEWORK DIRECTIVE

#### PART 1

#### GENERAL

##### **Record keeping**

**14.**—(1) An establishment or undertaking which carries out the recovery or disposal of controlled waste, or which produces special waste, collects or transports such waste on a professional basis or acts as a broker of or dealer in such waste must—

- (a) keep a chronological record of the quantity, nature, origin and, where relevant, the destination, frequency of collection, mode of transport and treatment method of the waste; and
- (b) make that information available, on request, to the waste regulation authority 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.

(2) Where the waste is special waste, a record required to be kept under sub-paragraph (1) must be retained for at least 12 months from the date on which it was first made by any establishment or undertaking transporting such waste, and for at least three years from that date by any other establishment or undertaking.

(3) Where the waste is special waste, a record required to be kept under sub-paragraph (1) must include a record of the carrying out and supervision of the relevant operation and, in the case of a disposal operation, of the after-care of the disposal site.

(4) It is an offence for an establishment or undertaking to fail to comply with any requirement or obligation placed on it by this paragraph.

(5) Paragraph (2) of regulation 18 of the Special Waste Regulations 1996 (defence in cases of emergency etc.) applies to a person charged with an offence under sub-paragraph (4) 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 imposed by or under any of the provisions of this paragraph, makes a statement which that person 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.

(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.

(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) apply to an offence under this paragraph, as they apply to an offence under that regulation.