
DRAFT STATUTORY INSTRUMENTS

2011 No.

The Waste (England and Wales) Regulations 2011

PART 9

Transfer of waste

The transfer note

35.—(1) This regulation takes effect as if it were made in exercise of the power in section 34(5) of the Environmental Protection Act 1990.

(2) When controlled waste is transferred in accordance with section 34(1)(c) of that Act the written description of the waste (“the transfer note”) must—

- (a) identify the waste to which it relates by reference to the appropriate codes in the List of Wastes (England) Regulations 2005(1) or, as the case may be, the List of Wastes (Wales) Regulations 2005(2), give a description of the waste and state—
 - (i) its quantity and whether it is loose or in a container,
 - (ii) if in a container, the kind of container,
 - (iii) the time and place of transfer, and
 - (iv) the SIC code of the transferor;
- (b) give the name and address of the transferor and the transferee and be signed by them;
- (c) state whether each of the transferor and transferee are—
 - (i) the producer of the waste,
 - (ii) the importer of the waste,
 - (iii) the transporter of the waste,
 - (iv) a local authority,
 - (v) a holder of an environmental permit under the Environmental Permitting (England and Wales) Regulations 2010, in which case the note must include the permit number (if any),
 - (vi) a person carrying on an operation to which section 33(1)(a) of the Environmental Protection Act 1990 does not apply by virtue of regulation 68(2) of the Environmental Permitting (England and Wales) Regulations 2010,
 - (vii) a person registered as a carrier of controlled waste under the Control of Pollution (Amendment) Act 1989, in which case the note must include the registration number (if any),
 - (viii) a person registered as a broker of or dealer in controlled waste, in which case the note must include the registration number (if any);

(1) S.I. 2005/895, amended by S.I. 2005/1673.

(2) S.I. 2005/1820 (W. 148).

- (d) confirm that the transferor has discharged the duty in regulation 12.
- (3) Until the end of the period of 6 months beginning with the day on which these Regulations are made, a transfer note may omit the information required by paragraph (2)(a)(iv) and (d).
- (4) The transfer note may be in electronic form if the person producing it can do so in a visible and legible documentary form.
- (5) Where the transfer note is in electronic form, the signature required by paragraph (2)(b) must be an electronic signature (and “electronic signature” means data in electronic form which are attached to or logically associated with the transfer note and which serve as a method of authentication).
- (6) The transferor and the transferee must keep a transfer note, or a copy of it, for at least 2 years and produce it to an officer of the Environment Agency or of a waste collection authority on demand within 7 days.
- (7) This regulation does not apply where the waste transferred is hazardous waste and the consignment note and, where appropriate, schedule required by the Hazardous Waste (England and Wales) Regulations 2005 or the Hazardous Waste (Wales) Regulations 2005 are completed and dealt with in accordance with those Regulations.
- (8) In this regulation “SIC code” means a code included in the UK Standard Industrial Classification of Industrial Activities 2007 (SIC 2007) published by the Office for National Statistics on 14th December 2007(3).